

Monroe A. Miller, Jr.
19 Big Spruce Lane
Waynesville, NC 28786
(828) 456-3718
April 27, 2016

The Grievance Committee
The North Carolina State Bar
208 Fayetteville Street
PO Box 25908
Raleigh, NC 27611
(919) 828-4620

Subject: Complaint against Thomas H. Stark.

I, the undersigned hereby complain against

Mr. **Thomas H. Stark**, ID 10052
Stark Law Group, PLLC
6011 Farrington Rd., Ste. 300
Chapel Hill, NC 27517
Phone (919) 490-5550
Fax (919) 490-5551
License Date 08/22/1981
Status Active

I agree to cooperate by furnishing to the representatives of the North Carolina State Bar all pertinent information and records in my possession concerning the alleged misconduct of said attorney. I further agree that if a hearing or inquiry is ordered concerning the alleged misconduct of said attorney, then I will furnish evidence concerning the facts by submitting to deposition or personal attendance at the hearing or inquiry. I hereby indicate that this information is provided and transmitted by me to the North Carolina State Bar for the purpose of investigating the alleged misconduct of the above named attorney. I understand that I may also need to reveal this information to a privately-retained attorney to pursue private remedies on my behalf. I further understand that the immunity granted by North Carolina General Statute 84-28.2 applies only to those statements made without malice and intended for transmittal only to the North Carolina State Bar.

I also understand that the North Carolina State Bar may reveal this information to the accused attorney for his response to a formal inquiry and to others pursuant only to the Rules and Regulations of the North Carolina State Bar.

The information in this complaint raises questions of whether Mr. Stark violated the North Carolina Rules of Professional Conduct, as more specifically set forth herein, or in the alternative, whether Mr. Stark exhibited bias and a conflict of interest which significantly impaired his professional judgement, performance and competency as an attorney, and whether Mr. Stark had engaged in conduct which is contemptuous and considered contrary to community standards of justice, honesty, or good morals, in attempting to stage a coup d'état against his client, the current standing Chairman of the North Carolina GOP, Hasan Harnett.

A. BACKGROUND INFORMATION

Hasan Harnett was elected at the last NCGOP convention, over a popular candidate, Craig Collins (Bar ID 24649). Mr. Stark was the presumptive candidate for NCGOP General Counsel, but came in second to David

Williams, who in retrospect, turned out to be an excellent General Counsel. Mr. Williams left the post due to health reasons, and was replaced by Mr. Stark, an Establishment hack. Politics in North Carolina is currently a mirror image of what is occurring nationally. Nationally, the Establishment Republicans are terrified of Donald Trump, and are manipulating delegates to favor Ted Cruz. As of this date, Donald Trump has mathematically obtained the required delegates for the national convention. There is a fierce battle in North Carolina for control of delegates to the national convention. It is the Establishment vs. Conservative factions in the GOP. There is an Establishment clique in the GOP headquarters attempting to overthrow Hasan Harnett, a Conservative, which include, but are not limited to:

- Dallas Woodhouse, Executive Director
- Tom Stark, General Counsel
- Scott Cumbie, Assistant Secretary
- David Sawyer (District 11 Chairman)

B. CONDUCT WHICH MAY SUPPORT IMPOSITION OF PROFESSIONAL DISCIPLINE.

The following conduct raises questions of whether Mr. Stark may have violated the North Carolina Rules of Professional Conduct, or in the alternative, whether Mr. Stark is exhibiting a bias or conflict of interest which significantly impairs his professional judgement, performance or competency as an attorney.

COUNT 1

AUTHORED AND DISTRIBUTED0A MARCH 31, 2016 LETTER CRITICAL OF HASAN HARNETT

1. Mr. Stark authored and sent a letter addressed to All Members of the North Carolina Republican Party Executive Committee Concerning the Censure of Chairman Harnett. The letter is attached in it's entirety following this complaint, and included within COUNT 1. Aspects of the letter will be pointed out using square brackets [...], in **bold**. Here we go...
-
2. **[Begin Stark Letter]** North Carolina Republican Party The Joyce and John W. Pope, Sr. Family Building 1506 Hillsborough Street Post Office Box 12905 Raleigh, NC 27605 (919) 828-6423 Fax (919) 899-3815 www.ncgop.org Paid for by the North Carolina Republican Party. Not authorized by any candidate or candidate's committee. www.ncgop.org
 3. March 31, 2016
An Open Letter to All Members of the North Carolina Republican Party Executive Committee Concerning the Censure of Chairman Harnett:
 4. Dear Members of the North Carolina Republican Party Executive Committee:
 5. I am writing this letter as a result of many inquiries received by the Republican Party Staff, as well as inquiries directed to me by members of the Central Committee, Executive Committee, and others concerning various public statements and actions of Chairman Harnett in recent weeks.
 6. Let me begin by apologizing to the members of the Executive Committee for keeping you in a vacuum concerning the recent events. At my advice, the Central Committee and others have tried to avoid handling this matter in public in order allow a reasoned discussion with Chairman Harnett in private or in closed session of the Committee. The Central Committee has remained largely silent in order to resolve these issues quietly and responsibly without further damage to the Party.
 7. The Chairman and his confederates, however, have chosen a different path. They have released numerous public statements that, in my view, contain inappropriate, vitriolic and inaccurate information.

Unfortunately, these statements have exacerbated the situation, and portrayed the North Carolina Republican Party in a negative manner. As I result, I believe it has become necessary to address the situation publicly. **[Mr. Stark is subliminally linking Hasan Harnett with what is possibly a derogatory term, “confederates”. Am I a “confederate”? Mr. Stark states that, in his view, Mr. Harnett has released certain statements... Having viewed the opposing side, i.e. Mr. Harnett’s comments, I, for one, happen to agree with Mr. Harnett. Mr. Harnett is Mr. Stark’s client, and there is nowhere to be found anywhere in this letter any representation of Mr. Harnett views of this coup d’état. Mr. Stark is failing to provide representation and allocation of authority between client and lawyer, a violation of Rule 1.2 of the Rules of Professional Conduct. Mr. Stark is out of line. It is certainly debatable whether Mr. Stark’s view that Mr. Harnett is portraying the North Carolina Republican Party in a negative manner. I say, “Right On” Mr. Harnett.]**

8. For background, this matter began when Chairman Harnett spoke against the budget for the Convention presented by the staff to the Central Committee on February 28, 2016. However, neither he nor anyone else made a motion to amend the budget or to consider any alternative budget. Despite Chairman Harnett’s criticism, the Central Committee voted to adopt the proposed budget. **[What is the problem with Mr. Harnett speaking against the budget?]**
9. Following that meeting, I spoke directly to Daniel Rufty, a member of the Central Committee aligned with Chairman Harnett, who expressed strong feelings about the issue. I advised him that the Chairman could not legally unilaterally change the decision of the Central Committee. **[The impression Mr. Stark is giving here is that Mr. Harnett is breaking the law. We are talking about the NCGOP Party Plan of Organization, not North Carolina General Statues. Mr. Harnett is free to express his opinion.]**
10. On Wednesday, March 2, 2016, the Chairman sent out a memo that many of you received labeling the General Session attendee fees a “poll tax.” **[This issue appeared to be a tug-of-war between Mr. Harnett and Dallas Woodhouse. Mr. Woodhouse was in favor of raising fees, and Mr. Harnett was not. I, and many others, also viewed this as an attempt to discourage participation, i.e. a pole tax. Again, Mr. Stark is failing to adequately portray both sides of this issue, demonstrating, in my view, bias.]**
11. On Friday, March 4, 2016 I spoke with Chairman Harnett about this issue. I advised the Chairman about the importance of calling the convention, and his lack of authority to unilaterally change the fees from those adopted by the Central Committee under the Plan of Organization. I urged him to go back to the Central Committee, ask it to reconsider the funding for the convention, and propose an alternative budget that would cover the funds lost by any reduction in fees. We also discussed the language of some of Chairman Harnett’s writings which had falsely described the law and misrepresented the actions of the Party. During that conversation, Chairman Harnett assured me he would authorize the sending of a “clean” (without addressing the fee issue) Call of the Convention by Sunday, March 6, 2016. **[“ ... falsely described the law”...? What the (expletive deleted)! The Party Plan of Organization is not “law”. Mr. Stark is using his position as a lawyer as a bully giving recipients a false impression.]**
12. I could not reach Chairman Harnett on Sunday, despite repeated attempts. On Monday, March 7, 2016, I received a text message that Chairman Harnett sent a notice without consulting with the staff. Contrary to his statement to me, this notice contained a change in the amount of the General Session attendee fees, which the Chairman did not have authority to do.
13. Throughout that day, I received repeated inquiries about the actions of the Chairman and their validity. Because it was essential under the Plan of Organization that the notice of the Call of the Convention be timely sent, I advised staff to circulate the notice and ensure it was sent to all required and intended recipients. In order to resolve the confusion caused by Chairman Harnett’s unauthorized attempt to change the fee, I also issued a Legal Opinion that evening. See Attachment A: March 7, 2016 Opinion

Letter. **[Mr. Stark has not made this “Attachment A: March 7, 2016 Opinion Letter, publically available.]**

14. On March 8, 2016, I received a phone call about a Party member with IT skills by the name of Kenneth Robol. I followed up and spoke with Dr. Robol. Earlier that day, Dr. Robol had unilaterally reached out to Chairman Harnett about accessing the Party website. Dr. Robol had read conversations on social media claiming Chairman Harnett had been wrongfully locked out of the Party’s website. As a result of these statements on social media, Dr. Robol contacted Mr. Rufty to volunteer his services. Dr. Robol was then put into contact with Chairman Harnett.
15. At the time, Dr. Robol believed he would be helping the Party by restoring the control of its website to the authorized person. When he contacted Chairman Harnett, Dr. Robol believed that the Chairman was unable to access to the administrative functions of the website which he previously possessed.
16. The reality, however, is that no elected leader of the NCGOP is given access to these functions for their own protection, as well as the protection of the North Carolina Republican Party. Neither Chairman Harnett nor his immediate predecessors had this access. Instead, Chairman Harnett, just like his predecessors, was required to work through staff to send mass communication messages and website updates. The staff has rarely declined to send what Chairman Harnett requested, and then only for legal reasons or other compliance issues. **[Again, Mr. Stark is acting like a prosecuting lawyer in a court, attempting to convict Mr. Harnett without a trial. Mr. Stark is not a judge, and can only render opinions. The whole issue of Mr. Harnett’s access to anything was being thwarted by Dallas Woodhouse, yet Mr. Stark is only presenting one side of this issue].**
17. Dr. Robol told me he came forward to another member of the Party after his conversation with Chairman Harnett because the Chairman asked him to assist with what appeared to be an illegal act. Specifically, Dr. Robol told me that Chairman Harnett asked him to hack the Party website and assist in setting up a competing site that would receive the convention fees, under the direct control of the Chairman. My law office then obtained a sworn statement from Dr. Robol. **[This “sworn statement” from this Mr. Robel has never been made public, to my knowledge, from Mr. Stark.]**
18. When our investigation first turned up this information, I recommended that the Party take immediate steps to secure the site, including limiting access from outside the office. On March 8, 2016, after learning that the website lacked a number of security features, and out of concern for vulnerability, I advised the Party staff to turn off the servers and email, but to restore the email as soon as possible using an outside server. The email was restored the next morning. **[What Investigation? Is Mr. Stark now an investigator? Where is the documentation on this investigation? I was aware that Mr. Harnett’s e-mail account had been shut down, but Mr. Stark appears not to provide an accurate account of Mr. Harnett’s concerns and side of this issue.]**
19. The initial information provided to the staff was incomplete and the staff feared the worst. They were concerned that all the Party’s computer systems were under attack, including email systems, financial systems, databases, and credit card collection accounts. Because of this, it appeared that immediate and drastic action was necessary to protect confidential party, financial, and donor information. **[This appears to be an attempt to publicly smear Mr. Harnett - “computer system under attack? Mr. Stark plants the thought that Mr. Harnett may consider malicious acts. Again, lawyer driving a wedge between him and his client.]**
20. On March 9, 2016, while our investigation was underway, Chairman Harnett was unresponsive to our messages, phone calls, and meeting requests. But he did have time to send out a public message to the Executive Committee and others referring to the deactivation of his email account as racially motivated. This email was reinforced by additional emails and posts on social media from Daniel Rufty and others supporting the racially couched language and calling for the removal of Dallas Woodhouse, the

Executive Director of the Party. Since that message sent out by Chairman Harnett, the public statements have unfortunately degenerated further. **[The great equalizer in this coup d'état is social media. When Mr. Harnett's staff is working so fiercely against him, it is comforting to know that supporters have an opportunity to come to Mr. Harnett's aid. Of course, a lawyer's approach is to attempt to control communication and keep things in-house. No wonder Mr. Stark is spewing sour grapes.]**

21. In the next one and a half weeks, I spoke with Central Committee Members, conducted our investigation, and reached out to Chairman Harnett. I was finally able to meet with Chairman Harnett and his lawyer for a little over one hour on Friday, March 18, 2016. He was only willing to speak of these matters through counsel. Although he said he wanted to resolve the issues, he would not meet with me again or work with me to make any significant progress. **[Again, what investigation? Why is Mr. Harnett having to retain another lawyer against his lawyer, Mr. Stark? Mr. Stark needs to more aggressively work on his communication skills to reach out to this client, a violation of Rule 1.4 of the Rules of Professional Conduct.]**

22. On March 20, 2016, the Central Committee voted to censure Chairman Harnett for these actions. See Attachment B. I abstained from the vote. The Central Committee censured the Chairman for a series of statements and acts that were inconsistent with the proper role of the Chairman according to the Plan of Organization, and the Chairman's legal obligations. The majority of the Central Committee voted for censure, believing that the Chairman's vitriolic, racially charged statements, false accusations, and improper conduct should not stand without clear rejection. **[Attachment B has never been publicly released by Mr. Stark. I certainly do not have a copy. The following Central Committee Members voted to censure the Chairman:**

- **David Lewis RNC National Committeeman**
- **Ada Fisher RNC National Committeewoman**
- **Kim Cotten-West NCGOP Secretary**
- **David Cozart NCGOP Treasurer**
- **Tom Stark NCGOP Legal Counsel**
- **Garry Terry 1st District Chair**
- **Joyce Cotton 2nd District Chair**
- **Matthew C. Arnold 4th District Chair**
- **Helen Pannullo 7th District Chair**
- **John Steward 9th District Chair**
- **Ted Alexander 10th District Chair**
- **Don Webb 6th District Chair**
- **Zan Bunn 13th District Chair**
- **Matthew Hebb NCFYPR**
- **Bob Pruitt NCDCCA**

Note that Tom Stark voted to censure his own client. The Rules of Professional Conduct prohibit a lawyer from foreclosing on a client - what about voting to censure him?]

23. During that meeting of the Central Committee, I did not reveal the name of Dr. Robol or release his sworn statement. However, I did read out the pertinent paragraphs of his statement. I did not release Dr. Robol's name or statement because I believed confidentiality of the process was important, and because I hoped matters could be resolved with the Chairman by agreement. **[Some of Ken Robol's comments on social media were captured and posted on The Daily Haymaker, <http://dailyhaymaker.com/?p=14559> Specifically, "I just want off this train. How do I know if I help that you guys will leave me alone." "I need to get things together. I want some agreement, I probably will get a lawyer to draw things up." "I am stuck getting all of your documents for pitt. I want to get that off me. It may take a week to have the attorney draw stuff up. I was talking to one on Friday and he has to decide to take my case. I don't want this again with josh at wnct. Can you get him off me and get Gary brinn off me?" Sounds like Ken Robol wants to punch out...]**

24. Nevertheless, despite the fact that I had not revealed Dr. Robol's identity, Chairman Harnett has now put forward various versions of their conversation. Notably, in a recent statement, Chairman Harnett has used the word "entrapment" to refer to his conversations with Dr. Robol.
25. As a legal defense, entrapment means that a defendant was enticed or led by government agents to commit a crime he would not have otherwise perpetrated. The entrapment defense concedes that a crime has been committed, but argues that the defendant was not the ultimate cause of it, but was led into the situation by government actors. Thus, the defendant participated in a crime he would not have otherwise been party to. For Chairman Harnett to use the word "entrapment," he has conceded that the conversation between him and Dr. Robol occurred essentially as described in Dr. Robol's statement. **[It is Mr. Stark who is supposed to come to the defense of his client, Mr. Harnett. Rather, Mr. Stark picks up on a single word, "entrapment" and attempts to make it appear government agents are involved in this debauchery. To me, this was a perfect opportunity for one of the Establishment types to set up Mr. Harnett. I could have also used the word "entrapment" since in this case they mean close to the same thing.]**
26. In fact, there was no attempt by anyone to entice or "entrap" Chairman Harnett into doing anything. Despite insinuations otherwise, Dr. Robol called Chairman Harnett entirely on his own accord. He was responding in good faith to statements made by Chairman Harnett and his supporters. It was entirely Chairman Harnett's own initiative to ask Dr. Robol to hack the Party website and set up a competing website to divert funds away from the Party. Further, it was entirely Chairman Harnett's own initiative to place a follow up phone call to Dr. Robol. **["In fact ..."? I am having a hard time believing "facts" from Mr. Stark. Again, a totally one-sided version of events, and never once, presenting Mr. Harnett's side of the story.]**
27. Dr. Robol contacted other members of the Party because he was made extremely uncomfortable by the Chairman's request. He was aware that if he did nothing, others might be contacted who did not share his scruples. Dr. Robol was very courageous in coming forward. Unfortunately, his courage in doing the right thing is now being rewarded by false and malicious things being said about him.
28. In summary, Chairman Harnett's public comments and accusations cannot be allowed to go unchallenged any further. The Central Committee has been dedicated to working with the Chairman to ensure the success of the North Carolina Republican Party moving forward. In fact, it was the hope of many that Chairman Harnett's election would result in the bringing of fresh new energy to the North Carolina Republican Party, and that he was uniquely positioned to enter the political debate. To allege racism as the reason for Chairman Harnett's censure, rather than the *ultra vires* and potentially illegal nature of his actions, is ludicrous. **[It is only one point of view that the Central Committee has been dedicated to working with Mr. Harnett. Fortunately, with our own experience here in Haywood County in attempting to remove a previous Chair, Pat Carr, we were advised by NCGOP it required a 2/3 vote of the Executive Committee to remove a Chair, with the same applying to the Chair of NCGOP. It will be seen if the Executive Committee has the required vote on April 30, 2016 when they attempt to oust Chairman Harnett.]**
29. When the Central Committee voted to accept the recommended pricing structure for the 2016 State Convention, Chairman Harnett offered no alternative solutions. The State Chairman bears significant responsibility for the fund-raising efforts of the Party. Instead of accepting responsibility, even partial responsibility, for the current financial situation of the NCGOP, Chairman Harnett chose the path of making disparaging public statements about the Executive Director and the Central Committee, wrongfully claiming authority to set prices, and ultimately taking steps towards hacking the 2016 State Convention website. **[I have made disparaging public statements about Dallas Woodhouse myself. One can do that, as Dallas Woodhouse is a public figure (re: N.C.G.S. § 14-196.3, this e-mail conforms to Section (e) which applies to any peaceable, nonviolent, or nonthreatening activity**

intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly.) However, when Mr. Stark accuses his client of hacking the 2016 State Convention website, he had better have some damn good evidence.]

30. The Central Committee, the Executive Director, and I have made repeated and continuous efforts to reach out to and offer assistance to Chairman Harnett. Unfortunately, these efforts have been rebuffed at nearly every turn. Instead, Chairman Harnett has chosen to rely upon the advice of others whose desire for the success of the North Carolina Republican Party is certainly suspect. **[Based on Dallas Woodhouse's and Mr. Stark's behavior, why on God's Green Earth would Mr. Harnett ever reach out to either of them?]**
31. Given the Chairman's actions, the March 20, 2016 censure by the Central Committee was well supported. Unfortunately, it does not appear to have been well heeded. By their public statements, it appears that Chairman Harnett and those aligned with him in this matter no longer desire to work with the North Carolina Republican Party but would rather malign the Central Committee and the character of the current Executive Director. **[Mr. Stark is now slamming me. I, along with a vast majority of Republicans in North Carolina want nothing more than to work with the Republican Party. We just have to start eliminating the bad apples.]**
32. At a time when the NCGOP should be focused on preparing for the November election, the focus of the NCGOP staff and Executive Director have been monopolized by relentless attacks and multiple crises caused by their own Chairman and his confederates. Despite this, Executive Director Woodhouse has demonstrated substantial leadership and ability in keeping the Party moving forward in a positive direction during this turmoil. **[From my perspective, this statement is comes from someone who is in La-la land.]**
33. I have written this letter to set the record straight, but also to urge everyone involved to adhere to the organizational rules of the North Carolina Plan of Organization. Being an effective member of an organization requires working within the rules and structure of that organization. Had Chairman Harnett and Mr. Rufty done so in this case, all of the resulting chaos and discord could have been avoided. I will continue to advise all staff, officials, constituents, members, and anyone involved with the North Carolina Republican Party to follow the North Carolina Plan of Organization. I will also resist all efforts to circumvent it, whether by the Chairman or anyone else. **[It is clear from this letter that Mr. Stark is showing extreme bias and demonstrating a conflict of interest by not representing his client.]**
34. As I write this, it appears that a new attempt is underway by Chairman Harnett to circumvent the Plan of Organization. Disregarding the Plan of Organization's notice requirements, he has purported to schedule a meeting of the Executive Committee in conflict with numerous District Conventions. This behavior needs to stop. Instead, let us work together as Republicans for our state, our nation, and our Constitution.
35. Sincerely,
/s/ Thomas H. Stark
Thomas H. Stark
General Counsel
[End Stark Letter]

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36. In a post on The Daily Haymaker, <http://dailyhaymaker.com/?p=14526>) Executive Committee Member Jim Womack indicated: "NCGOP leader calls for sanctions against party's lawyer".

37. "Dallas & Joyce; Imagine my disgust at receiving a 5-page "open letter" today from our NCGOP General Counsel providing a very one-sided, incomplete, and questionable account of the activities of our Chairman over the past few weeks. I want to know just how much it cost the NCGOP to publish and mail this open letter to NCGOP members statewide? And I want to know who authorized this to be sent at a cost to our depleted NCGOP bank account?"
38. I serve on the NCGOP Executive Committee and I did not vote to authorize this kind of quill driving for any purpose. As with previous mailings and web postings, there is nothing of substance; but rather innuendo and half-truths in the letter. The missive merely serves to confuse and upset the party base, rather than to inform. Whoever authorized the mailing by our General Counsel should be disciplined, along with Mr. Stark, himself, for sending this useless diatribe. In fact, the letter wasn't even timely- it was dated March 31st. It contained inaccurate information that was contradicted by the calendar of District Conventions also enclosed.
39. I am sickened at the sustained onslaught against our Chairman. I demand that we cease and desist in sending this kind of correspondence. These distractions are harming the party's reputation, eroding support from rank and file GOP activists, and diminishing the chances we can elect or re-elect our Council of State candidates this fall. Please communicate this immediately to the Central Committee.
Sincerely/
Jim Womack"

COUNT 2

FAILURE TO ACT ON MY COMPLAINT AGAINST ANGELA MOORE LYTTON.

40. Mr. Stark has failed to act on my standing complaint against Angela Moore Lytton. The Plan of Organization states that once a complaint has been accepted, it has to be resolved within sixty (60) days. Mrs. Stark has swept this complaint under the carpet and has been dismissive regarding acting on this complaint. The complaint has been posted on my website, www.haywoodtp.net, and at the link: <http://haywoodtp.net/pubII/150808bComplaintAgainstAngelaLytton.pdf>.

COUNT 3

FAILURE REPORTING PROFESSIONAL MISCONDUCT (RULE 8.3)

41. Mr. Stark has failed to report the professional misconduct of David Sawyer, Bar ID 13204, for advising his client, Savannah Tedesco in committing perjury when Ms. Tedesco filed a warrant for my arrest in Greensboro County with a Magistrate, resulting in my subsequent arrest. The case was dismissed and my file expunged. See: <http://haywoodtp.net/pubII/160215-150501ResponseToSawyer.pdf> .

I feel that Mr. Stark has acted with Moral Turpitude, i.e. conduct that is considered contrary to community standards of justice, honesty, or good morals.

Enc: Tom Stark Letter of 3/31/2016 with hardcopy only to NC Bar Association.

Monroe A. Miller Jr.
19 Big Spruce Lane
Waynesville, NC 28786
(828) 456-3718

[Notary Stamp Here]

Jurat

Signed and sworn before me _____, on this day, the ____ day of _____, 2016.

Signed: _____

Printed: _____

My commission expires on _____