GENERAL ASSEMBLY OF NORTH CAROLINA EXTRA SESSION 2008

HOUSE RESOLUTION 2

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Sponsors:Representatives Glazier and Stam (Primary Sponsors).Referred to:

March 20, 2008

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

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

8 Whereas, Article II, Sec. 20 of the North Carolina Constitution states "[e]ach 9 house [of the General Assembly] shall be the judge of the qualifications and elections of 10 its own members..." acknowledging the inherent authority of the House of 11 Representatives to judge whether a member is no longer qualified to serve because that 12 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

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1 2	Whereas, written notice of charges of unethical conduct by Representative Thomas E. Wright were initially sent to Representative Wright on January 11, 2008, by
3	the Committee; and
4	Whereas, Representative Wright was allowed to be represented by legal
5	counsel before the Committee; and
6	Whereas, Representative Wright was allowed to respond to the charges and
7	did so on January 25, 2008; and
8	Whereas, Representative Wright was allowed to file dispositive motions, file
9	legal briefs in support of his motions, and make oral legal arguments on his motions
10	before the Committee and did so on February 11, 2008; and
11	Whereas, Representative Wright was provided with a list of all witnesses who
12	might be called to testify against him, together with a summary of their anticipated
13	testimony on February 12, 2008; and
14	Whereas, on February 22, 2008, Representative Wright was provided with a
15	copy of all documents that might be offered into evidence at the evidentiary hearing;
16	and
17	Whereas, Representative Wright was given the opportunity to confront all
18	witnesses testifying under oath against him, including the right to cross-examine all
19	witnesses and did so; and
20	Whereas, Representative Wright was given the opportunity to present
21	witnesses and other evidence on his behalf at the evidentiary hearing, including the right
22	to have witnesses subpoenaed to testify, but he did not do so; and
23	Whereas, Representative Wright was given the opportunity to present
24	arguments to the Committee at the conclusion of the presentation of evidence and did
25	so; and
26	Whereas, after the Committee made its determinations as to which of the
27	charges against Representative Wright were true by clear and convincing evidence,
28	Representative Wright was given an opportunity to make arguments and present
29 20	precedents with regards to the appropriate sanctions the Committee should recommend to the House of Representatives in light of its findings that Representative Wright
30 31	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 see and
32 33	Representatives, but he did not do so; and Whereas, at the avidentiary hearing, the Committee heard sworn testimony.
33 34	Whereas, at the evidentiary hearing, the Committee heard sworn testimony from seven witnesses, received 21 documents into evidence, and heard arguments from
35	the Committee's Outside Counsel and counsel for Representative Wright; and
35 36	Whereas, at the evidentiary hearing, Representative Wright called no
30 37	witnesses and offered no evidence for consideration; and
38	Whereas, Representative Wright has been afforded due process of law by the
39	Committee; and
40	Whereas, the Committee attached to and incorporated by reference as part of
40	its Report to the 2007 House of Representatives the transcriptions of the February 11
42	and March 3 through 6, 2008, meetings together with all exhibits admitted into
43	evidence; dispositive motions made by Representative Wright, the legal briefs on those
43 44	motions, and the rulings on those motions; the Second Revised Notice of Charges of
	motions, and the runnings on motions, the become revised routee of charges of

1 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

9 Whereas, at the conclusion of its investigation, the Committee unanimously 10 found by clear and convincing evidence that Representative Thomas E. Wright, a 11 member of the House of Representatives, engaged in unethical and unlawful conduct 12 during his tenure as a member of the North Carolina House of Representatives by 13 committing the following acts specified in Counts 1, 3, 4, 5, 7, and 8 as follows:

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COUNT 1

On or about March 13, 2002 and on or about March 15, 2002, while a 15 16 member of the North Carolina House of Representatives, Thomas E. Wright did engage 17 in conduct unbecoming and unfitting a member of the House of Representatives by 18 orally and in writing improperly and unethically soliciting Torlen L. Wade, Acting 19 Director of the North Carolina Department of Health and Human Services Office of 20 Research, Demonstrations, and Rural Health Development, to write and mail to him a 21 fraudulent letter stating that such Office was endorsing The Community's Health 22 Foundation's project to convert a building located on the 900 block of 4th Street in 23 Wilmington, North Carolina into Community's Health Foundation offices, New 24 Hanover Community Health Center offices, and a History Museum and committing 25 \$150,000.00 in funding toward the completion of that project. At the time of the 26 solicitation, Thomas E. Wright was an officer of The Community's Health Foundation, 27 Inc., located at 322 South 17th Street in Wilmington, North Carolina. Thomas E. Wright 28 confirmed his earlier oral solicitation by having his legislative assistant type the 29 necessary details needed in the commitment letter in an e-mail that was sent to Torlen L. 30 Wade by use of his State e-mail account and on a State computer, both of which were 31 authorized for him based on his position as a member of the North Carolina House of 32 Representatives. At the time of the oral solicitation, the typing and sending of the 33 e-mail, and the typing and sending of the Torlen L. Wade letter, both Thomas E. Wright 34 and Torlen L. Wade knew that the Office of Rural Health would not make such a grant 35 and that Thomas E. Wright would use the letter in seeking to fraudulently obtain 36 funding for The Community's Health Foundation from other sources such as financial 37 institutions and other organizations that make grants and that would believe and rely on 38 the false representations in Torlen L. Wade's letter.

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COUNT 3

40 On or about December 15, 2003, while a member of the House of 41 Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a 42 member of the House of Representatives by improperly, fraudulently, and unethically 43 converting money intended to be a charitable contribution to The Community's Health 44 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 1 2 AstraZeneca Pharmaceuticals, LP, requesting as the Foundation's president a donation 3 to the Foundation, a charitable organization that Thomas E. Wright represented to be 4 qualified to receive tax-deductible donations, that would be used by the Foundation for 5 various health related purposes, including but not limited to educational initiatives, a 6 needs assessment, identification of trends and bridging the gap of minority health care 7 for an underserved population in New Hanover County. Thereafter, when on December 8 15, 2003, a representative of AstraZeneca Pharmaceuticals, LP signed and sent to 9 Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to 10 "Communitys Hlth Found Inc" in the amount of \$2,400.00, Thomas E. Wright deposited 11 that check into his own personal account rather than into the account of The 12 Community's Health Foundation, Inc.

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COUNT 4

On or about February 6, 2004, while a member of the House of 14 15 Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the House of Representatives by improperly, fraudulently, and unethically 16 17 converting money intended to be a charitable contribution to The Community's Health 18 Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the 19 letterhead stationery of The Community's Health Foundation, Inc. to a representative of 20 Anheuser-Busch Companies, Inc., requesting as the Foundation's president a donation to 21 the Foundation, a charitable organization that Thomas E. Wright represented to be 22 qualified to receive tax-deductible donations, that would be used by the Foundation for 23 acquisition and development of a building in Wilmington, North Carolina that would 24 serve as a museum. Thereafter, on March 5, 2004, when a representative of 25 Anheuser-Busch Companies, Inc. signed and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to "Communitys Health 26 27 Foundation Inc" in the amount of \$5,000, Thomas E. Wright deposited that check into 28 his own personal account rather than into the account of The Community's Health 29 Foundation, Inc.

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COUNT 5

31 On or about April 1, 2004, while a member of the House of Representatives, 32 Thomas E. Wright did engage in conduct unbecoming and unfitting a member of the 33 House of Representatives by improperly, fraudulently, and unethically converting 34 money intended to be a charitable contribution to The Community's Health Foundation, 35 Inc. to his own personal use. Thomas E. Wright wrote an invoice on the letterhead 36 stationery of The Community's Health Foundation, Inc. to a representative of AT&T 37 Corp. as a solicitation of a charitable contribution to the Foundation, a charitable 38 organization that Thomas E. Wright represented to be qualified to receive tax-deductible 39 donations. Thereafter, on April 1, 2004, when a representative of AT&T Corp. signed 40 and sent to Thomas E. Wright and The Community's Health Foundation, Inc., a check 41 made out to "Communitys Health Foundation I" in the amount of \$1,500, Thomas E. 42 Wright deposited that check into his own personal account rather than into the account 43 of The Community's Health Foundation, Inc. 44

COUNT 7

Between January 1, 2000 and January 31, 2007, while a member of the North 1 2 Carolina House of Representatives, Thomas E. Wright did improperly, fraudulently, and 3 unethically engage in a pattern of conduct unbecoming and unfitting a member of the 4 House of Representatives by intentionally failing to disclose approximately \$180,000.00 5 in contributions received by his campaign during that time period, which disclosures are 6 required by law and are intended to safeguard the public trust and to preserve the 7 integrity of the electoral process, the integrity of the House of Representatives, and the 8 integrity of the legislative process. The contributions that are the subject of this Count 9 are set out in Exhibit 15 of the Committee hearing held March 3-6, 2008 as modified by 10 the testimony of Kim Strach, Deputy Director of the State Board of Elections, and 11 incorporated into this Count by reference.

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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,

30 Be it resolved by the House of Representatives:

31 **SECTION 1.** The House of Representatives finds that the allegations in 32 Counts 1, 3, 4, 5, 7, and 8, as found by the House Select Committee to Investigate 33 Alleged Misconduct and Other Matters Included in Indictments Against Representative 34 Thomas E. Wright, are true.

35 **SECTION 2.** Representative Thomas E. Wright is hereby expelled as a 36 member of the House of Representatives for unethical and unlawful conduct 37 unbecoming and unfitting for a member of the House of Representatives.

- 38 **SECTION 3.** The seat for the 18th District of the 2007 House of 39 Representatives is declared vacant.
 - **SECTION 4.** This resolution is effective upon adoption.