GENERAL ASSEMBLY OF NORTH CAROLINA EXTRA SESSION 2008

Simple Resolution Adopted

HOUSE RESOLUTION 2 Adopted 3/20/08

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

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1 authorize subpoenas, and March 3 through March 6, 2008, to conduct an evidentiary 2 hearing; and 3 Whereas, written notice of charges of unethical conduct by Representative 4 Thomas E. Wright were initially sent to Representative Wright on January 11, 2008, by 5 the Committee: and 6 Whereas, Representative Wright was allowed to be represented by legal 7 counsel before the Committee; and 8 Whereas, Representative Wright was allowed to respond to the charges and 9 did so on January 25, 2008; and 10 Whereas, Representative Wright was allowed to file dispositive motions, file 11 legal briefs in support of his motions, and make oral legal arguments on his motions 12 before the Committee and did so on February 11, 2008; and 13 Whereas, Representative Wright was provided with a list of all witnesses who 14 might be called to testify against him, together with a summary of their anticipated 15 testimony on February 12, 2008; and 16 Whereas, on February 22, 2008, Representative Wright was provided with a 17 copy of all documents that might be offered into evidence at the evidentiary hearing; 18 and 19 Whereas, Representative Wright was given the opportunity to confront all 20 witnesses testifying under oath against him, including the right to cross-examine all 21 witnesses and did so; and 22 Whereas, Representative Wright was given the opportunity to present 23 witnesses and other evidence on his behalf at the evidentiary hearing, including the right 24 to have witnesses subpoenaed to testify, but he did not do so; and 25 Whereas, Representative Wright was given the opportunity to present 26 arguments to the Committee at the conclusion of the presentation of evidence and did 27 so; and 28 Whereas, after the Committee made its determinations as to which of the 29 charges against Representative Wright were true by clear and convincing evidence, 30 Representative Wright was given an opportunity to make arguments and present 31 precedents with regards to the appropriate sanctions the Committee should recommend 32 to the House of Representatives in light of its findings that Representative Wright 33 committed conduct unfitting and unbecoming a member of the House of 34 Representatives, but he did not do so; and 35 Whereas, at the evidentiary hearing, the Committee heard sworn testimony 36 from seven witnesses, received 21 documents into evidence, and heard arguments from 37 the Committee's Outside Counsel and counsel for Representative Wright; and 38 Whereas, at the evidentiary hearing, Representative Wright called no 39 witnesses and offered no evidence for consideration; and 40 Whereas, Representative Wright has been afforded due process of law by the 41 Committee: and 42 Whereas, the Committee attached to and incorporated by reference as part of 43 its Report to the 2007 House of Representatives the transcriptions of the February 11 44 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 1 2 motions, and the rulings on those motions; the Second Revised Notice of Charges of 3 Unethical Conduct by Representative Wright and Representative Wright's response to 4 the charges; Committee rules; Committee authorization; and research on North Carolina 5 legislative and other legislative bodies' disciplinary actions; and

6 Whereas, the Report was filed with the House Principal Clerk on Wednesday, 7 March 12, 2008, made available to House members and the public electronically by 8 posting on the General Assembly's Internet Web page on Wednesday, March 12, 2008, 9 and delivered to all House members' offices in written form on Friday, March 14, 2008; 10 and

11 Whereas, at the conclusion of its investigation, the Committee unanimously 12 found by clear and convincing evidence that Representative Thomas E. Wright, a 13 member of the House of Representatives, engaged in unethical and unlawful conduct 14 during his tenure as a member of the North Carolina House of Representatives by 15 committing the following acts specified in Counts 1, 3, 4, 5, 7, and 8 as follows:

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COUNT 1

17 On or about March 13, 2002 and on or about March 15, 2002, while a 18 member of the North Carolina House of Representatives, Thomas E. Wright did engage 19 in conduct unbecoming and unfitting a member of the House of Representatives by 20 orally and in writing improperly and unethically soliciting Torlen L. Wade, Acting 21 Director of the North Carolina Department of Health and Human Services Office of 22 Research, Demonstrations, and Rural Health Development, to write and mail to him a 23 fraudulent letter stating that such Office was endorsing The Community's Health 24 Foundation's project to convert a building located on the 900 block of 4th Street in 25 Wilmington, North Carolina into Community's Health Foundation offices, New 26 Hanover Community Health Center offices, and a History Museum and committing 27 \$150,000.00 in funding toward the completion of that project. At the time of the 28 solicitation, Thomas E. Wright was an officer of The Community's Health Foundation, 29 Inc., located at 322 South 17th Street in Wilmington, North Carolina. Thomas E. Wright 30 confirmed his earlier oral solicitation by having his legislative assistant type the 31 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 32 33 authorized for him based on his position as a member of the North Carolina House of 34 Representatives. At the time of the oral solicitation, the typing and sending of the 35 e-mail, and the typing and sending of the Torlen L. Wade letter, both Thomas E. Wright 36 and Torlen L. Wade knew that the Office of Rural Health would not make such a grant 37 and that Thomas E. Wright would use the letter in seeking to fraudulently obtain 38 funding for The Community's Health Foundation from other sources such as financial 39 institutions and other organizations that make grants and that would believe and rely on 40 the false representations in Torlen L. Wade's letter.

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COUNT 3

42 On or about December 15, 2003, while a member of the House of 43 Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a 44 member of the House of Representatives by improperly, fraudulently, and unethically 1 converting money intended to be a charitable contribution to The Community's Health 2 Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the 3 letterhead stationery of The Community's Health Foundation, Inc. to a representative of 4 AstraZeneca Pharmaceuticals, LP, requesting as the Foundation's president a donation 5 to the Foundation, a charitable organization that Thomas E. Wright represented to be 6 qualified to receive tax-deductible donations, that would be used by the Foundation for 7 various health related purposes, including but not limited to educational initiatives, a

8 needs assessment, identification of trends and bridging the gap of minority health care 9 for an underserved population in New Hanover County. Thereafter, when on December 10 15, 2003, a representative of AstraZeneca Pharmaceuticals, LP signed and sent to 11 Thomas E. Wright and The Community's Health Foundation, Inc., a check made out to 12 "Communitys Hlth Found Inc" in the amount of \$2,400.00, Thomas E. Wright deposited 13 that check into his own personal account rather than into the account of The 14 Community's Health Foundation, Inc.

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COUNT 4

On or about February 6, 2004, while a member of the House of 16 17 Representatives, Thomas E. Wright did engage in conduct unbecoming and unfitting a 18 member of the House of Representatives by improperly, fraudulently, and unethically 19 converting money intended to be a charitable contribution to The Community's Health 20 Foundation, Inc. to his own personal use. Thomas E. Wright wrote a letter on the 21 letterhead stationery of The Community's Health Foundation, Inc. to a representative of 22 Anheuser-Busch Companies, Inc., requesting as the Foundation's president a donation to 23 the Foundation, a charitable organization that Thomas E. Wright represented to be 24 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 25 26 serve as a museum. Thereafter, on March 5, 2004, when a representative of 27 Anheuser-Busch Companies, Inc. signed and sent to Thomas E. Wright and The 28 Community's Health Foundation, Inc., a check made out to "Communitys Health 29 Foundation Inc" in the amount of \$5,000, Thomas E. Wright deposited that check into 30 his own personal account rather than into the account of The Community's Health 31 Foundation, Inc.

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COUNT 5

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

Wright deposited that check into his own personal account rather than into the account
 of The Community's Health Foundation, Inc.

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COUNT 7

4 Between January 1, 2000 and January 31, 2007, while a member of the North 5 Carolina House of Representatives, Thomas E. Wright did improperly, fraudulently, and 6 unethically engage in a pattern of conduct unbecoming and unfitting a member of the 7 House of Representatives by intentionally failing to disclose approximately \$180,000.00 8 in contributions received by his campaign during that time period, which disclosures are 9 required by law and are intended to safeguard the public trust and to preserve the 10 integrity of the electoral process, the integrity of the House of Representatives, and the 11 integrity of the legislative process. The contributions that are the subject of this Count 12 are set out in Exhibit 15 of the Committee hearing held March 3-6, 2008 as modified by 13 the testimony of Kim Strach, Deputy Director of the State Board of Elections, and 14 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,

33 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.

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

41 **SECTION 3.** The seat for the 18th District of the 2007 House of 42 Representatives is declared vacant.

SECTION 4. This resolution is effective upon adoption.