

NORTH CAROLINA
WAKE COUNTY

BEFORE THE STATE BOARD OF
ELECTIONS AND ETHICS ENFORCEMENT

IN THE MATTER OF:
Roy A. Cooper, III,
Respondent

18-C-0007(E)

NOTICE OF DISMISSAL

THIS CAUSE, coming before the North Carolina State Board of Elections and Ethics Enforcement (Board), by and through its duly-constituted Preliminary Inquiry Panel (Panel) pursuant to North Carolina General Statute (N.C.G.S.) § 163A-156(f) and (h), and 30 NCAC 9B .0101, and it appearing to the Board that:

1. On February 14, 2018, Donald Bryson (Complainant) filed a complaint with the Board against Roy A. Cooper, III (Respondent).
2. Respondent is the Governor of North Carolina. As Governor, Respondent is a public servant covered by North Carolina General Statutes (N.C.G.S.) 163A, the State Government Ethics Act (Ethics Act), and therefore a “covered person” under the Ethics Act.
3. Complainant alleged that on January 25, 2018, Respondent entered into a Memorandum of Understanding (MOU) with Atlantic Coast Pipeline, LLC (ACP). (Attachment 1) Complainant alleged that the MOU established a \$57.8 million fund to be used at the Respondent’s discretion. Complainant alleged that information in the media made it appear that the establishment of the fund and regulatory approval of the ACP were related.
4. On February 13, 2018, the General Assembly enacted House Bill 90 as Session Law 2018-2, Part I of which changed the way that funds received pursuant to the MOU could be used. (Attachment 2) The MOU provided that the funds were to be spent for: (1) mitigation of the pipeline’s environmental effects, (2) economic development in the impacted counties, and (3) renewable energy proposed in the affected areas. The legislation requires all of the money to be paid to local, public school units located in the counties where the pipeline will be located.
5. Pursuant to N.C.G.S. § 163A-156(b), Respondent was notified of these allegations on February 14, 2018.
6. On February 28, 2018, pursuant to N.C.G.S. § 163A-156(e)(5) and (f), the Board sent a copy of the complaint to Respondent and initiated a preliminary inquiry.
7. Pursuant to N.C.G.S. § 163A-156(f) and (h), on May 30, 2018, the Panel reviewed the complaint and information resulting from the preliminary inquiry.

8. After reviewing the complaint and information resulting from the preliminary inquiry, the Panel determined that the complaint did not allege facts sufficient to constitute a violation within the Board's jurisdiction.
9. The Board's deliberations and determinations are confidential pursuant to N.C.G.S. § 163A-156(p).

Therefore, pursuant to N.C.G.S. § 163A-156(h)(2) and the rules of the Board, the complaint is dismissed for failing to allege sufficient facts to constitute a violation within the Board's jurisdiction.

Written notice of dismissal of the complaint will be provided to all appropriate persons or entities listed in N.C.G.S. § 163A-156(n).

As provided by N.C.G.S. § 163A-156(p), the complaint, notice of dismissal, and all other related information and documentation are confidential and not public records.

This the 30th day of May, 2018.

NC STATE BOARD OF ELECTIONS AND
ETHICS ENFORCEMENT



Kim Westbrook Strach, Executive Director
For the Panel