

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 15 CVS 13881

WAKE COUNTY

BERTIE COUNTY BOARD OF EDUCATION,)
 BRUNSWICK COUNTY BOARD OF EDUCATION,)
 CABARRUS COUNTY BOARD OF EDUCATION,)
 CHATHAM COUNTY BOARD OF EDUCATION,)
 CHARLOTTE-MECKLENBURG SCHOOLS BOARD OF)
 EDUCATION, CLEVELAND COUNTY BOARD OF)
 EDUCATION, CLINTON CITY SCHOOLS BOARD OF)
 EDUCATION, CRAVEN COUNTY BOARD OF)
 EDUCATION, CUMBERLAND COUNTY BOARD OF)
 EDUCATION, CURRITUCK COUNTY BOARD OF)
 EDUCATION, DUPLIN COUNTY BOARD OF)
 EDUCATION, DURHAM PUBLIC SCHOOLS BOARD OF)
 EDUCATION, EDGEcombe COUNTY BOARD OF)
 EDUCATION, HOKE COUNTY BOARD OF)
 EDUCATION, IREDELL-STATESVILLE BOARD OF)
 EDUCATION, JOHNSTON COUNTY BOARD OF)
 EDUCATION, JONES COUNTY BOARD OF)
 EDUCATION, LEE COUNTY BOARD OF EDUCATION,)
 LENOIR COUNTY BOARD OF EDUCATION, MOORE)
 COUNTY BOARD OF EDUCATION, NASH-ROCKY)
 MOUNT SCHOOLS BOARD OF EDUCATION, NEW)
 HANOVER COUNTY BOARD OF EDUCATION,)
 NORTHAMPTON COUNTY BOARD OF EDUCATION,)
 ORANGE COUNTY BOARD OF EDUCATION, PERSON)
 COUNTY BOARD OF EDUCATION, PITT COUNTY)
 BOARD OF EDUCATION, ROANOKE RAPIDS)
 GRADED SCHOOL DISTRICT BOARD OF)
 EDUCATION, ROBESON COUNTY BOARD OF)
 EDUCATION, ROWAN-SALISBURY SCHOOLS BOARD)
 OF EDUCATION, SAMPSON COUNTY BOARD OF)
 EDUCATION, SCOTLAND COUNTY BOARD OF)
 EDUCATION, UNION COUNTY BOARD OF)
 EDUCATION, WAKE COUNTY BOARD OF)
 EDUCATION and WELDON CITY SCHOOLS BOARD)
 OF EDUCATION,)

Plaintiffs,

v.

JANET COWELL, State Treasurer of North Carolina;)
 LINDA MORRISON COMBS, North Carolina State)
 Controller; LEE ROBERTS, State Budget Officer; FRANK)

R1311408

2015 NOV -5 P 3:40
 WAKE COUNTY, C.S.C.
 BY 

FILED

COMPLAINT

PERRY, Secretary of the North Carolina Department of)
 Public Safety; ROY COOPER, Attorney General of North)
 Carolina; each of whom is sued in his or her official capacity)
 only.)
 Defendants.)

INTRODUCTION

This is an action for declaratory judgment and for affirmative relief brought by the boards of education for ___ counties. The defendants are the State Treasurer, State Controller, State Budget Officer, Attorney General and Secretary of the Department of Revenue, in their official capacities. At issue is the state’s compliance with the requirement of Article IX, Section 7, of the State Constitution that the clear proceeds of all fines and forfeitures go to the public schools, as most recently affirmed in the North Carolina Court of Appeals’ decision in *Richmond County Board of Education v. Cowell*, ___ N.C. App. ___, 776 S.E.2d 244 (2015). Plaintiffs are seeking the payment of penalties that have wrongly gone to the Statewide Misdemeanor Confinement Fund. See N.C. Gen. Stat. § 7A-304(a)(4b) (2014). In the *Richmond County* case, the court held that the \$50.00 surcharge assessed to drivers convicted of an improper equipment offense is subject to Article IX, Section 7(a).

PLAINTIFFS

1. Plaintiff Bertie County Board of Education is the governing body of the public school system for Bertie County. As provided in N.C. Gen. Stat. §115C-40, the Board of Education is a body corporate. Pursuant to N.C. Gen. Stat. §115C-44 the Board of Education “shall institute all actions, suits, or proceedings against officers, persons, or corporations, or their sureties, for the recovery, preservation, and application of all money or property which may be due to or should be applied to the support and maintenance of the schools”

2. Plaintiff Brunswick County Board of Education is the governing body of the public school system for Brunswick County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

3. Plaintiff Cabarrus County Board of Education is the governing body of the public school system for Cabarrus County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

4. Plaintiff Chatham County Board of Education is the governing body of the public school system for Chatham County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

5. Plaintiff Charlotte-Mecklenburg Schools Board of Education is the governing body of the public school system for Mecklenburg County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

6. Plaintiff Cleveland County Board of Education is the governing body of the public school system for Cleveland County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

7. Plaintiff Clinton City Schools Board of Education is the governing body of the public school system for the City of Clinton, located in Sampson County. As provided in N.C.

Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

8. Plaintiff Craven County Board of Education is the governing body of the public school system for Craven County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

9. Plaintiff Cumberland County Board of Education is the governing body of the public school system for Cumberland County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

10. Plaintiff Currituck County Board of Education is the governing body of the public school system for Currituck County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

11. Plaintiff Duplin County Board of Education is the governing body of the public school system for Duplin County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

12. Plaintiff Durham Public Schools Board of Education is the governing body of the public school system for Durham County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

13. Plaintiff Edgecombe County Board of Education is the governing body of the public school system for Edgecombe County. As provided in N.C. Gen. Stat. §115C-40 and -44,

it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

14. Plaintiff Hoke County Board of Education is the governing body of the public school system for Hoke County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

15. Plaintiff Iredell-Statesville Board of Education is the governing body of the public school system for Iredell County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

16. Plaintiff Johnston County Board of Education is the governing body of the public school system for Johnston County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

17. Plaintiff Jones County Board of Education is the governing body of the public school system for Jones County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

18. Plaintiff Lee County Board of Education is the governing body of the public school system for Lee County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

19. Plaintiff Lenoir County Board of Education is the governing body of the public school system for Lenoir County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

20. Plaintiff Moore County Board of Education is the governing body of the public school system for Moore County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

21. Plaintiff Nash-Rocky Mount Schools Board of Education is the governing body of the public school system for Nash County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

22. Plaintiff New Hanover County Board of Education is the governing body of the public school system for New Hanover County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

23. Plaintiff Northampton County Board of Education is the governing body of the public school system for Northampton County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

24. Plaintiff Orange County Board of Education is the governing body of the public school system for Orange County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

25. Plaintiff Person County Board of Education is the governing body of the public school system for Person County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

26. Plaintiff Pitt County Board of Education is the governing body of the public school system for Pitt County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

27. Plaintiff Roanoke Rapids Graded School District Board of Education is the governing body of the public school system for the City of Roanoke Rapids, located in Halifax County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

28. Plaintiff Robeson County Board of Education is the governing body of the public school system for Robeson County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

29. Plaintiff Rowan-Salisbury Schools Board of Education is the governing body of the public school system for Rowan County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

30. Plaintiff Sampson County Board of Education is the governing body of the public school system for Sampson County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

31. Plaintiff Scotland County Board of Education is the governing body of the public school system for Scotland County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

32. Plaintiff Union County Board of Education is the governing body of the public school system for Union County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

33. Plaintiff Wake County Board of Education is the governing body of the public school system for Wake County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

34. Plaintiff Weldon City Schools County Board of Education is the governing body of the public school system for the City of Weldon, located in Halifax County. As provided in N.C. Gen. Stat. §115C-40 and -44, it is a body corporate and is responsible for instituting actions for the recovery of money due to the schools.

DEFENDANTS

35. Defendant Janet Cowell is the State Treasurer of North Carolina and in that capacity is authorized, pursuant to N.C. Gen. Stat. §§ 147-68 and 147-71, to receive all moneys which shall be paid into the treasury of this State, to pay all warrants legally drawn on the Treasurer, and to collect and receive all money and property of the State not held by some person under authority of law. She is sued in her official capacity only.

36. Defendant Linda Morrison Combs is the State Controller of North Carolina and in that capacity is authorized by N.C. Gen. Stat. §§143B-426.37 and -426.39 to administer the State disbursing system; to maintain a state accounting system “designed to assure compliance with all legal and constitutional requirements including those associated with the receipt and expenditure of, and the accountability for public funds”; and to keep records of all expenditures and revenues of state agencies. She is sued in her official capacity only.

37. Defendant Lee Roberts is the State Budget Officer and in that capacity heads the Office of State Budget and Management, which is responsible, under the direction of the Director of the Budget, for controlling the allotment of funds in compliance with law. He is sued in his official capacity only.

38. Defendant Frank Perry is the Secretary of Public Safety for North Carolina and in that capacity is responsible for the Division of Adult Correction of the Department of Public Safety, within which is contained the Statewide Misdemeanant Confinement Fund. He is sued in his official capacity only.

39. Defendant Roy Cooper is the Attorney General of North Carolina and pursuant to N.C. Gen. Stat. §114-2 is responsible for representing the state in actions by and against state agencies and for comparing the warrants drawn on the State treasury with the laws under which they purport to be drawn. Pursuant to N.C. Gen. Stat. §1-260, the Attorney General also is to be served when an action for declaratory judgment challenges the constitutionality of a state statute, as is the case here. The Attorney General is sued in his official capacity only.

JURISDICTION AND VENUE

40. This is an action for declaratory judgment and related affirmative relief for which this court has jurisdiction pursuant to N.C. Gen. Stat. §1-253 *et seq.*

41. Venue is proper in Wake County pursuant to N.C. Gen. Stat. §§1-77 and -82 in that this cause of action concerns moneys which have been deposited in the State Treasury in Raleigh and concerns actions by defendant public officers whose offices are in Wake County.

NORTH CAROLINA CONSTITUTION

42. Article IX, Section 7(a), of the North Carolina Constitution provides that “the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for

any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools.”

IMPROPER EQUIPMENT SURCHARGE - CLAIM FOR RELIEF

43. In 2011 the General Assembly enacted Session Law 2011-145, sec. 31.26(a), which created the Statewide Misdemeanor Confinement Fund. N.C. Gen. Stat. §148-10.4. In addition, Session Law 2011-145, sec. 31.26(c) added a new subdivision (4b) of N.C. Gen. Stat. §7A-304 “[t]o provide for contractual services to reduce county jail populations, the sum of fifty dollars (\$50.00) for all offenses arising under Chapter 20 of the General Statutes and resulting in a conviction of an improper equipment offense, to be remitted to the Statewide Misdemeanor Confinement Fund in the Department of Correction.” Session Law 2011-145 took effect on July 1, 2011.

44. As codified, N.C. Gen. Stat. §7A-304(4b) reads: “To provide for contractual services to reduce county jail populations, the sum of fifty dollars (\$50.00) for all offenses arising under Chapter 20 of the General Statutes and resulting in a conviction of an improper equipment offense, to be remitted to the Statewide Misdemeanor Confinement Fund in the Division of Adult Correction of the Department of Public Safety.”

45. The \$50.00 surcharge authorized by N.C. Gen. Stat. §7A-304(4b) is a penal fine within the ambit of Article IX, Section 7(a) of the North Carolina Constitution. *Richmond County Board of Education v. Cowell*, ___ N.C. App. ___, 776 S.E.2d 244, 247 (2015).

46. In accordance with N.C. Gen. Stat. §7A-304(4b), the clerks of superior court of the various counties in North Carolina, including the counties listed in paragraphs 1 through 34 of this Complaint, have collected the \$50.00 improper equipment fees since 2011 and remitted this money to the State of North Carolina.

47. The diversion of the \$50.000 improper equipment fees to the State as required by N.C. Gen. Stat. §7A-304(4b) is unconstitutional, and this money must be paid back to the clerks of superior court, whose duty it will then be to disburse this money for the benefit of the public schools in accordance with N.C. Gen. Stat. §115C-452 and Article IX, Section 7(a) of the North Carolina Constitution. *Richmond County Board of Education v. Cowell*, ___ N.C. App. ___, 776 S.E.2d 244, 249 (2015).

48. Upon information and belief, the improper equipment fees collected and remitted to the State from each county since 2011 are shown in a chart obtained from the North Carolina Administrative Office of the Courts, attached as Exhibit A. The list of counties corresponding to the numeric codes in Exhibit A is attached as Exhibit B.

PRAYER FOR RELIEF

WHEREFORE, having stated their claims for relief and the facts supporting such claims, Plaintiffs pray the court to order the following relief:

1. Order Defendants in their official capacities to render an exact accounting of all sums collected in the various counties for the \$50.00 improper equipment fee;
2. Order Defendants in their official capacities to pay to the respective Clerks of Superior Court all amounts collected for improper equipment violations;
3. Order Defendants in their official capacities to pay the costs of this action; and
4. Order such other and further relief as may be just and proper.

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This the 5th day of November 2015.

THARRINGTON SMITH, L.L.P.



Rod Malone

N.C. State Bar No. 16728

Deborah R. Stagner

N.C. State Bar No. 24543

Post Office Box 1151

150 Fayetteville Street, Suite 1800

Raleigh, North Carolina 27602-1151

Telephone: (919) 821-4711

Facsimile: (919) 829-1583

rmalone@tharringtonsmith.com

dstagner@tharringtonsmith.com

Attorneys for Plaintiffs

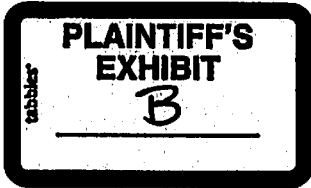


<u>COUNTY</u>	<u>GL</u>								<u>TOTAL BY</u>
<u>NO</u>	<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>FY1112</u>	<u>FY1213</u>	<u>FY1314</u>	<u>FY1415</u>	<u>FY1516</u>		<u>COUNTY</u>
CL001	24460/5	EQUIPMENT VIOLATION FEE	\$ 4,670.00	\$ 6,320.00	\$ 6,849.66	\$ 89,160.02	\$ 33,557.72	\$	140,557.40
CL010	24460/5	EQUIPMENT VIOLATION FEE	\$ 47,080.00	\$ 63,865.00	\$ 61,727.69	\$ 31,443.67	\$ 10,500.00	\$	214,616.36
CL020	24460/5	EQUIPMENT VIOLATION FEE	\$ 2,750.00	\$ 4,150.00	\$ 7,750.00	\$ 7,975.00	\$ 2,350.00	\$	24,975.00
CL030	24460/5	EQUIPMENT VIOLATION FEE	\$ 87,350.00	\$ 121,015.00	\$ 132,325.00	\$ 90,300.00	\$ 20,034.00	\$	451,024.00
CL040	24460/5	EQUIPMENT VIOLATION FEE	\$ 13,100.00	\$ 12,123.00	\$ 16,850.00	\$ 13,200.00	\$ 4,900.00	\$	60,173.00
CL050	24460/5	EQUIPMENT VIOLATION FEE	\$ 8,950.00	\$ 12,450.00	\$ 14,950.00	\$ 23,245.00	\$ 7,100.00	\$	66,695.00
CL060	24460/5	EQUIPMENT VIOLATION FEE	\$ 30,750.00	\$ 44,650.00	\$ 57,735.00	\$ 54,000.00	\$ 12,100.00	\$	199,235.00
CL070	24460/5	EQUIPMENT VIOLATION FEE	\$ 65,400.00	\$ 58,128.00	\$ 42,655.00	\$ 37,975.00	\$ 11,090.85	\$	215,248.85
CL080	24460/5	EQUIPMENT VIOLATION FEE	\$ 88,994.00	\$ 111,173.00	\$ 118,939.50	\$ 152,309.00	\$ 35,841.00	\$	507,256.50
CL090	24460/5	EQUIPMENT VIOLATION FEE	\$ 129,735.00	\$ 173,788.00	\$ 181,197.00	\$ 238,828.00	\$ 73,684.00	\$	797,232.00
CL100	24460/5	EQUIPMENT VIOLATION FEE	\$ 2,000.00	\$ 4,750.00	\$ 3,800.00	\$ 17,350.00	\$ 7,050.00	\$	34,950.00
CL110	24460/5	EQUIPMENT VIOLATION FEE	\$ 173,150.00	\$ 220,325.00	\$ 193,655.00	\$ 199,613.00	\$ 40,850.00	\$	827,593.00
CL120	24460/5	EQUIPMENT VIOLATION FEE	\$ 271,717.00	\$ 376,050.00	\$ 342,700.00	\$ 361,359.50	\$ 88,045.00	\$	1,439,871.50
CL130	24460/5	EQUIPMENT VIOLATION FEE	\$ 109,350.00	\$ 147,149.00	\$ 154,550.00	\$ 167,435.00	\$ 54,100.00	\$	632,584.00
CL140	24460/5	EQUIPMENT VIOLATION FEE	\$ 26,461.70	\$ 36,218.80	\$ 28,908.75	\$ 17,415.25	\$ 7,400.00	\$	116,404.50
CL150	24460/5	EQUIPMENT VIOLATION FEE	\$ 63,515.00	\$ 111,465.00	\$ 113,998.00	\$ 122,675.00	\$ 31,400.00	\$	443,053.00
CL160	24460/5	EQUIPMENT VIOLATION FEE	\$ 52,520.00	\$ 41,549.50	\$ 37,500.00	\$ 35,700.00	\$ 7,600.00	\$	174,869.50
CL170	24460/5	EQUIPMENT VIOLATION FEE	\$ 215,470.00	\$ 273,955.00	\$ 304,255.00	\$ 273,700.00	\$ 61,000.00	\$	1,128,380.00
CL180	24460/5	EQUIPMENT VIOLATION FEE	\$ 187,674.00	\$ 176,487.00	\$ 180,159.00	\$ 163,845.00	\$ 36,593.00	\$	744,758.00
CL190	24460/5	EQUIPMENT VIOLATION FEE	\$ 7,200.00	\$ 11,840.00	\$ 18,039.71	\$ 21,750.00	\$ 6,250.00	\$	65,079.71
CL200	24460/5	EQUIPMENT VIOLATION FEE	\$ 6,900.00	\$ 4,450.00	\$ 3,950.00	\$ 3,100.00	\$ 1,300.00	\$	19,700.00
CL210	24460/5	EQUIPMENT VIOLATION FEE	\$ 4,040.00	\$ 5,150.00	\$ 6,800.00	\$ 9,595.88	\$ 2,000.00	\$	27,585.88
CL220	24460/5	EQUIPMENT VIOLATION FEE	\$ 83,745.00	\$ 96,760.00	\$ 92,064.99	\$ 100,012.23	\$ 30,582.78	\$	403,165.00
CL230	24460/5	EQUIPMENT VIOLATION FEE	\$ 221,102.00	\$ 176,358.00	\$ 198,365.30	\$ 230,274.68	\$ 60,700.03	\$	886,800.01
CL240	24460/5	EQUIPMENT VIOLATION FEE	\$ 104,949.00	\$ 108,259.00	\$ 101,820.00	\$ 149,561.00	\$ 44,800.00	\$	509,389.00
CL250	24460/5	EQUIPMENT VIOLATION FEE	\$ 231,564.71	\$ 277,925.29	\$ 209,689.07	\$ 238,222.34	\$ 61,839.62	\$	1,019,241.03
CL260	24460/5	EQUIPMENT VIOLATION FEE	\$ 46,110.00	\$ 68,223.00	\$ 64,050.00	\$ 51,000.00	\$ 14,850.00	\$	244,233.00
CL270	24460/5	EQUIPMENT VIOLATION FEE	\$ 78,750.00	\$ 121,250.00	\$ 108,755.00	\$ 123,899.71	\$ 37,600.29	\$	470,255.00
CL280	24460/5	EQUIPMENT VIOLATION FEE	\$ 203,599.95	\$ 200,397.34	\$ 158,849.61	\$ 140,111.73	\$ 36,324.06	\$	739,282.69
CL290	24460/5	EQUIPMENT VIOLATION FEE	\$ 91,800.00	\$ 121,750.00	\$ 111,477.42	\$ 118,732.58	\$ 34,300.00	\$	478,060.00

<u>COUNTY</u>	<u>GL</u>								<u>TOTAL BY</u>
<u>NO</u>	<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>FY1112</u>	<u>FY1213</u>	<u>FY1314</u>	<u>FY1415</u>	<u>FY1516</u>		<u>COUNTY</u>
CL300	24460/5	EQUIPMENT VIOLATION FEE	\$ 141,400.00	\$ 153,534.00	\$ 163,815.44	\$ 170,957.50	\$ 51,754.36	\$	681,461.30
CL310	24460/5	EQUIPMENT VIOLATION FEE	\$ 84,727.33	\$ 117,445.67	\$ 133,275.70	\$ 126,474.76	\$ 25,713.99	\$	487,637.45
CL320	24460/5	EQUIPMENT VIOLATION FEE	\$ 17,000.00	\$ 15,850.00	\$ 12,300.00	\$ 13,450.00	\$ 3,277.59	\$	61,877.59
CL330	24460/5	EQUIPMENT VIOLATION FEE	\$ 673,074.64	\$ 796,566.90	\$ 795,398.87	\$ 1,015,999.41	\$ 238,385.08	\$	3,519,424.90
CL340	24460/5	EQUIPMENT VIOLATION FEE	\$ 54,645.00	\$ 80,098.00	\$ 70,513.60	\$ 46,817.39	\$ 13,509.34	\$	265,583.33
CL350	24460/5	EQUIPMENT VIOLATION FEE	\$ 152,445.00	\$ 186,700.00	\$ 166,850.00	\$ 122,277.85	\$ 31,850.00	\$	660,122.85
CL360	24460/5	EQUIPMENT VIOLATION FEE	\$ 20,150.00	\$ 28,150.00	\$ 34,045.00	\$ 22,500.00	\$ 5,450.00	\$	110,295.00
CL370	24460/5	EQUIPMENT VIOLATION FEE	\$ 2,550.00	\$ 4,900.00	\$ 4,750.00	\$ 4,090.00	\$ 1,600.00	\$	17,890.00
CL380	24460/5	EQUIPMENT VIOLATION FEE	\$ 45,750.00	\$ 36,677.00	\$ 28,403.00	\$ 31,160.00	\$ 11,238.00	\$	153,228.00
CL390	24460/5	EQUIPMENT VIOLATION FEE	\$ 12,450.00	\$ 19,750.00	\$ 25,748.81	\$ 24,551.19	\$ 7,325.00	\$	89,825.00
CL400	24460/5	EQUIPMENT VIOLATION FEE	\$ 467,951.00	\$ 774,027.10	\$ 788,138.64	\$ 734,886.12	\$ 169,943.90	\$	2,934,946.76
CL410	24460/5	EQUIPMENT VIOLATION FEE	\$ 58,650.00	\$ 82,800.00	\$ 74,040.85	\$ 66,772.11	\$ 15,289.68	\$	297,552.64
CL420	24460/5	EQUIPMENT VIOLATION FEE	\$ 133,779.45	\$ 228,400.00	\$ 230,972.03	\$ 219,496.44	\$ 61,092.24	\$	873,740.16
CL430	24460/5	EQUIPMENT VIOLATION FEE	\$ 28,150.00	\$ 34,440.00	\$ 34,915.02	\$ 40,534.98	\$ 7,050.00	\$	145,090.00
CL440	24460/5	EQUIPMENT VIOLATION FEE	\$ 61,087.29	\$ 82,562.71	\$ 102,565.77	\$ 115,984.23	\$ 28,791.87	\$	390,991.87
CL450	24460/5	EQUIPMENT VIOLATION FEE	\$ 31,205.00	\$ 26,740.00	\$ 25,126.25	\$ 28,378.57	\$ 8,345.00	\$	119,794.82
CL460	24460/5	EQUIPMENT VIOLATION FEE	\$ 29,446.24	\$ 38,125.00	\$ 54,355.30	\$ 62,442.68	\$ 14,567.01	\$	198,936.23
CL470	24460/5	EQUIPMENT VIOLATION FEE	\$ 3,450.00	\$ 2,450.00	\$ 3,100.00	\$ 3,050.00	\$ 550.00	\$	12,600.00

<u>COUNTY</u>	<u>GL</u>								<u>TOTAL BY</u>
<u>NO</u>	<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>FY1112</u>	<u>FY1213</u>	<u>FY1314</u>	<u>FY1415</u>	<u>FY1516</u>		<u>COUNTY</u>
CL480	24460/5	EQUIPMENT VIOLATION FEE	\$ 321,050.00	\$ 333,050.00	\$ 356,879.13	\$ 342,387.33	\$ 82,381.13	\$	1,435,747.59
CL490	24460/5	EQUIPMENT VIOLATION FEE	\$ 26,950.00	\$ 26,443.00	\$ 32,100.00	\$ 35,286.86	\$ 8,313.94	\$	129,093.80
CL500	24460/5	EQUIPMENT VIOLATION FEE	\$ 298,574.00	\$ 280,907.22	\$ 314,526.00	\$ 297,248.00	\$ 74,484.00	\$	1,265,739.22
CL510	24460/5	EQUIPMENT VIOLATION FEE	\$ 32,350.00	\$ 49,475.85	\$ 41,350.00	\$ 47,698.11	\$ 11,795.00	\$	182,668.96
CL520	24460/5	EQUIPMENT VIOLATION FEE	\$ 114,487.00	\$ 117,233.00	\$ 102,173.25	\$ 72,994.42	\$ 12,953.08	\$	419,840.75
CL530	24460/5	EQUIPMENT VIOLATION FEE	\$ 26,600.00	\$ 40,100.00	\$ 53,660.00	\$ 61,402.00	\$ 17,850.00	\$	199,612.00
CL540	24460/5	EQUIPMENT VIOLATION FEE	\$ 47,130.77	\$ 79,804.23	\$ 76,100.03	\$ 93,645.00	\$ 20,400.00	\$	317,080.03
CL550	24460/5	EQUIPMENT VIOLATION FEE	\$ 8,700.00	\$ 11,250.00	\$ 12,550.00	\$ 17,500.00	\$ 3,900.00	\$	53,900.00
CL560	24460/5	EQUIPMENT VIOLATION FEE	\$ 35,800.00	\$ 41,344.34	\$ 50,757.88	\$ 58,754.54	\$ 18,383.82	\$	205,040.58
CL570	24460/5	EQUIPMENT VIOLATION FEE	\$ 41,583.00	\$ 55,350.00	\$ 43,700.00	\$ 46,726.25	\$ 13,700.00	\$	201,059.25
CL580	24460/5	EQUIPMENT VIOLATION FEE	\$ 25,170.00	\$ 30,622.50	\$ 36,608.00	\$ 49,997.32	\$ 13,977.68	\$	156,375.50
CL590	24460/5	EQUIPMENT VIOLATION FEE	\$ 218,794.00	\$ 366,150.00	\$ 540,566.81	\$ 669,533.29	\$ 201,005.07	\$	1,996,049.17
CL600	24460/5	EQUIPMENT VIOLATION FEE	\$ 7,300.00	\$ 6,150.00	\$ 9,057.13	\$ 19,437.87	\$ 4,350.00	\$	46,295.00
CL610	24460/5	EQUIPMENT VIOLATION FEE	\$ 52,694.48	\$ 61,858.76	\$ 76,711.81	\$ 93,438.43	\$ 29,044.44	\$	313,747.92
CL620	24460/5	EQUIPMENT VIOLATION FEE	\$ 180,002.00	\$ 210,225.00	\$ 164,896.00	\$ 181,368.00	\$ 45,830.00	\$	782,321.00
CL630	24460/5	EQUIPMENT VIOLATION FEE	\$ 29,200.00	\$ 24,150.00	\$ 35,050.00	\$ 26,904.77	\$ 9,338.68	\$	124,643.45
CL640	24460/5	EQUIPMENT VIOLATION FEE	\$ 288,035.00	\$ 276,650.00	\$ 327,427.26	\$ 339,473.50	\$ 76,636.21	\$	1,308,221.97
CL650	24460/5	EQUIPMENT VIOLATION FEE	\$ 22,300.00	\$ 67,350.00	\$ 36,994.34	\$ 30,900.00	\$ 8,000.00	\$	165,544.34
CL660	24460/5	EQUIPMENT VIOLATION FEE	\$ 280,750.00	\$ 345,970.00	\$ 306,820.70	\$ 307,614.30	\$ 79,947.72	\$	1,321,102.72
CL670	24460/5	EQUIPMENT VIOLATION FEE	\$ 250,080.00	\$ 251,773.50	\$ 262,642.49	\$ 270,550.00	\$ 63,014.97	\$	1,098,060.96
CL680	24460/5	EQUIPMENT VIOLATION FEE	\$ 13,800.00	\$ 12,850.00	\$ 10,500.00	\$ 13,125.00	\$ 2,400.00	\$	52,675.00
CL690	24460/5	EQUIPMENT VIOLATION FEE	\$ 38,290.00	\$ 51,940.00	\$ 47,600.00	\$ 36,750.00	\$ 10,500.00	\$	185,080.00
CL700	24460/5	EQUIPMENT VIOLATION FEE	\$ 128,301.92	\$ 148,675.00	\$ 129,015.33	\$ 126,268.75	\$ 25,955.00	\$	558,216.00
CL710	24460/5	EQUIPMENT VIOLATION FEE	\$ 55,450.00	\$ 49,745.00	\$ 36,800.00	\$ 26,200.00	\$ 3,900.00	\$	172,095.00
CL720	24460/5	EQUIPMENT VIOLATION FEE	\$ 47,955.00	\$ 34,620.00	\$ 40,149.11	\$ 33,405.28	\$ 8,594.52	\$	164,723.91
CL730	24460/5	EQUIPMENT VIOLATION FEE	\$ 39,962.00	\$ 57,050.00	\$ 60,904.85	\$ 70,984.97	\$ 15,681.44	\$	244,583.26
CL740	24460/5	EQUIPMENT VIOLATION FEE	\$ 18,600.00	\$ 35,300.00	\$ 54,224.15	\$ 72,813.90	\$ 14,696.18	\$	195,634.23
CL750	24460/5	EQUIPMENT VIOLATION FEE	\$ 335,523.00	\$ 306,490.00	\$ 283,597.99	\$ 344,297.26	\$ 74,320.00	\$	1,344,228.25
CL760	24460/5	EQUIPMENT VIOLATION FEE	\$ 45,800.00	\$ 41,850.00	\$ 78,650.00	\$ 92,800.00	\$ 16,200.00	\$	275,300.00
CL770	24460/5	EQUIPMENT VIOLATION FEE	\$ 44,693.00	\$ 82,362.00	\$ 90,127.27	\$ 89,848.12	\$ 22,180.95	\$	329,211.34

<u>COUNTY</u>	<u>GL</u>							<u>TOTAL BY</u>
<u>NO</u>	<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>FY1112</u>	<u>FY1213</u>	<u>FY1314</u>	<u>FY1415</u>	<u>FY1516</u>	<u>COUNTY</u>
CL780	24460/5	EQUIPMENT VIOLATION FEE	\$ 150,750.00	\$ 200,366.10	\$ 192,859.38	\$ 190,671.86	\$ 47,692.48	\$ 782,339.82
CL790	24460/5	EQUIPMENT VIOLATION FEE	\$ 119,366.00	\$ 107,819.45	\$ 103,824.00	\$ 118,068.21	\$ 36,582.59	\$ 485,660.25
CL800	24460/5	EQUIPMENT VIOLATION FEE	\$ 40,880.35	\$ 53,603.15	\$ 67,772.47	\$ 52,761.68	\$ 9,020.00	\$ 224,037.65
CL810	24460/5	EQUIPMENT VIOLATION FEE	\$ 110,080.00	\$ 124,900.00	\$ 97,280.00	\$ 76,050.00	\$ 31,550.00	\$ 439,860.00
CL820	24460/5	EQUIPMENT VIOLATION FEE	\$ 65,332.92	\$ 78,854.93	\$ 77,377.17	\$ 69,128.43	\$ 15,545.32	\$ 306,238.77
CL830	24460/5	EQUIPMENT VIOLATION FEE	\$ 94,725.00	\$ 99,895.00	\$ 99,496.82	\$ 127,705.99	\$ 39,094.98	\$ 460,917.79
CL840	24460/5	EQUIPMENT VIOLATION FEE	\$ 71,034.24	\$ 88,970.00	\$ 80,879.89	\$ 88,766.44	\$ 16,560.38	\$ 346,210.95
CL850	24460/5	EQUIPMENT VIOLATION FEE	\$ 86,420.00	\$ 92,448.00	\$ 93,004.07	\$ 99,658.94	\$ 28,873.14	\$ 400,404.15
CL860	24460/5	EQUIPMENT VIOLATION FEE	\$ 7,110.00	\$ 8,900.00	\$ 11,469.29	\$ 11,764.53	\$ 3,800.00	\$ 43,043.82
CL870	24460/5	EQUIPMENT VIOLATION FEE	\$ 8,300.00	\$ 11,850.00	\$ 21,450.00	\$ 25,578.00	\$ 9,878.85	\$ 77,056.85
CL880	24460/5	EQUIPMENT VIOLATION FEE	\$ 25,400.00	\$ 30,190.00	\$ 32,750.00	\$ 23,350.00	\$ 6,350.00	\$ 118,040.00
CL890	24460/5	EQUIPMENT VIOLATION FEE	\$ 151,120.00	\$ 209,050.00	\$ 210,680.43	\$ 198,081.68	\$ 56,471.44	\$ 825,403.55
CL900	24460/5	EQUIPMENT VIOLATION FEE	\$ 44,090.00	\$ 51,167.00	\$ 50,600.22	\$ 40,310.08	\$ 11,332.63	\$ 197,499.93
CL910	24460/5	EQUIPMENT VIOLATION FEE	\$ 22,450.00	\$ 24,700.00	\$ 21,300.00	\$ 39,379.26	\$ 103,835.65	\$ 211,664.91
CL920	24460/5	EQUIPMENT VIOLATION FEE	\$ 15,419.00	\$ 19,498.00	\$ 12,219.85	\$ 11,743.15	\$ 5,832.99	\$ 64,712.99
CL930	24460/5	EQUIPMENT VIOLATION FEE	\$ 17,650.00	\$ 18,600.00	\$ 12,650.00	\$ 15,300.00	\$ 2,450.00	\$ 66,650.00
CL940	24460/5	EQUIPMENT VIOLATION FEE	\$ 103,395.00	\$ 134,845.92	\$ 152,476.71	\$ 127,268.99	\$ 36,460.30	\$ 554,446.92
CL950	24460/5	EQUIPMENT VIOLATION FEE	\$ 60,450.00	\$ 77,200.00	\$ 67,973.00	\$ 90,810.00	\$ 31,200.00	\$ 327,633.00
CL960	24460/5	EQUIPMENT VIOLATION FEE	\$ 100,650.00	\$ 174,875.00	\$ 195,495.00	\$ 224,875.00	\$ 51,850.00	\$ 747,745.00
CL970	24460/5	EQUIPMENT VIOLATION FEE	\$ 15,918.00	\$ 18,900.00	\$ 15,610.00	\$ 16,300.00	\$ 4,800.00	\$ 71,528.00
CL980	24460/5	EQUIPMENT VIOLATION FEE	\$ 46,300.00	\$ 79,276.50	\$ 67,242.76	\$ 81,501.03	\$ 19,842.27	\$ 294,162.56
CL990	24460/5	EQUIPMENT VIOLATION FEE	\$ 4,695.00	\$ 9,445.00	\$ 16,755.00	\$ 22,419.53	\$ 5,950.00	\$ 59,264.53
TOTAL BY FY			\$ 9,115,768.99	\$ 11,109,283.76	\$ 11,235,985.57	\$ 11,854,457.89	\$ 3,136,182.26	\$ 46,451,678.47



COUNTY

001 ALAMANCE
010 ALEXANDER
020 ALLEGHANY
030 ANSON
040 ASHE
050 AVERY
060 BEAUFORT
070 BERTIE
080 BLADEN
090 BRUNSWICK
100 BUNCOMBE
110 BURKE
120 CABARRUS
130 CALDWELL
140 CAMDEN
150 CARTERET
160 CASWELL
170 CATAWBA
180 CHATHAM
190 CHEROKEE
200 CHOWAN
210 CLAY
220 CLEVELAND
230 COLUMBUS
240 CRAVEN
250 CUMBERLAND
260 CURRITUCK
270 DARE
280 DAVIDSON

290 DAVIE
300 DUPLIN
310 DURHAM
320 EDGECOMBE
330 FORSYTH
340 FRANKLIN
350 GASTON
360 GATES
370 GRAHAM
380 GRANVILLE
390 GREENE
400 GUILFORD
410 HALIFAX
420 HARNETT
430 HAYWOOD
440 HENDERSON
450 HERTFORD
460 HOKE
470 HYDE
480 IREDELL
490 JACKSON
500 JOHNSTON
510 JONES
520 LEE
530 LENOIR
540 LINCOLN
550 MACON
560 MADISON
570 MARTIN
580 MCDOWELL
590 MECKLENBURG



910 WAKE
920 WARREN
930 WASHINGTON
940 WATAUGA
950 WAYNE
960 WILKES
970 WILSON
980 YADKIN
990 YANCEY

net of 17390 and 24690

600 MITCHELL
610 MONTGOMERY
620 MOORE
630 NASH
640 NEW HANOVER
650 NORTHHAMPTON
660 ONSLOW
670 ORANGE
680 PAMLICO
690 PASQUOTANK
700 PENDER
710 PERQUIMANS
720 PERSON
730 PITT
740 POLK
750 RANDOLPH
760 RICHMOND
770 ROBESON
780 ROCKINGHAM
790 ROWAN
800 RUTHERFORD
810 SAMPSON
820 SCOTLAND
830 STANLY
840 STOKES
850 SURRY
860 SWAIN
870 TRANSYLVANIA
880 TYRELL
890 UNION
900 VANCE



NORTH CAROLINA
ADMINISTRATIVE OFFICE
of the COURTS



NORTH CAROLINA
ADMINISTRATIVE OFFICE
of the COURTS

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **SUMMONS AND COMPLAINT** in the above-entitled action was on this date served upon all necessary parties by delivering a copy of the **SUMMONS AND COMPLAINT** to an agent authorized by appointment or by law to be served or to accept service of process or by serving process upon such agent, or the party by mailing a copy of the **SUMMONS AND COMPLAINT**, and placing same in the United States mail, in a postage paid envelope, certified mail, return receipt requested, and by personal service by Server and Wake County Sheriff's Office, addressed as follows:

Janet Cowell, State Treasurer of North Carolina
North Carolina Department of State Treasurer
3200 Atlantic Avenue
Raleigh, NC 27604

Janet Cowell, State Treasurer of North Carolina
c/o Andrew Holton, General Counsel
North Carolina Department of State Treasurer
3200 Atlantic Avenue
Raleigh, NC 27604

Janet Cowell, State Treasurer of North Carolina
c/o Roy Cooper, Attorney General
9001 Mail Service Center
Raleigh, NC 27699

Linda Morrison Combs, North Carolina State Controller
c/o Jim Dolan, Chief Deputy State Controller
North Carolina Office of the State Controller
1410 Mail Service Center
Raleigh, NC 27699

Linda Morrison Combs, North Carolina State Controller
c/o Roy Cooper, Attorney General
9001 Mail Service Center
Raleigh, NC 27699

Linda Morrison Combs, North Carolina State Controller
c/o Jim Dolan, Chief Deputy State Controller
North Carolina Office of the State Controller
3512 Bush Street
Raleigh, NC 27609

Lee Roberts, State Budget Officer
c/o Roy Cooper, Attorney General
9001 Mail Service Center
Raleigh, NC 27699

Lee Roberts, State Budget Officer
North Carolina Office of State Budget and Management
116 West Jones Street, 5th Floor
(Budget Office)
Raleigh, NC 27603

Frank Perry, Secretary of the North
Carolina Department of Public Safety
c/o Roy Cooper, Attorney General
9001 Mail Service Center
Raleigh, NC 27699

Frank Perry, Secretary of the North
Carolina Department of Public Safety
c/o Deborah L. McSwain, General Counsel
NC Dept. of Public Safety
Archdale Building, 14th Floor
512 N. Salisbury Street
Raleigh, NC 27604-1159

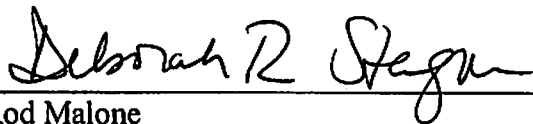
Frank Perry, Secretary of the North
Carolina Department of Public Safety
NC Dept. of Public Safety
4201 Mail Service Center
Raleigh, NC 27699-4201

Roy Cooper, Attorney General of North
Carolina
c/o Roy Cooper, Attorney General
9001 Mail Service Center
Raleigh, NC 27699

Roy Cooper, Attorney General of North
Carolina
c/o Roy Cooper, Attorney General
114 W. Edenton Street
Raleigh, NC 27699

This the 5th day of November 2015.

THARRINGTON SMITH, L.L.P.



Rod Malone
N.C. State Bar No. 16728
Deborah R. Stagner
N.C. State Bar No. 24543
Post Office Box 1151
150 Fayetteville Street, Suite 1800
Raleigh, North Carolina 27602-1151
Telephone: (919) 821-4711
Facsimile: (919) 829-1583
rmalone@tharringtonsmith.com
dstagner@tharringtonsmith.com

Attorneys for Plaintiffs