

DURHAM



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CITY OF MEDICINE

CITY OF DURHAM

Memorandum

Date: February 14, 2014

To: Thomas J. Bonfield, City Manager

From: Constance Stancil, NIS Director *Constance Stancil*

Subject: Regina George Bowden's Waiver Request for Lien and Civil Penalty & Address Unethical Behavior (Rick Hester)

In first week of January, 2014, Regina George Bowden phoned to inform me that her son, Morris Bowden, had continued to receive letters regarding payment for a lien and civil penalties for his property located at 508 Dowd Street. She indicated that she had been in conversation about her son's property with Rick Hester by phone and email since June 12, 2012 and that her latest conversation with Rick Hester was in December, 2013. She further stated that she thought through her conversations with Mr. Hester she felt he was taking care of everything regarding the lien and civil penalties for the 508 Dowd Street property. She voiced her concern that after all the time that had lapsed since first speaking to Mr. Hester; the matter had not been taken care of. I assured Ms. Bowden that I understood her concern.

Upon hearing Ms. Bowden statements, I asked her a series of questions:

- Did Mr. Hester inform you that he needed to communicate directly with the owner of record, your son rather than you?
 - Ms. Bowden's answer: No
- Did Mr. Hester inform you that he did not have the authority to forgive liens or civil penalties?
 - Ms. Bowden's answer: No, had he told me I would have asked him who I needed to speak to. I thought I was speaking to the right person.
- Do you manage the property for your son at 508 Dowd Street?
 - Ms. Bowden's answer: yes
- Are you a licensed realtor?
 - Ms. Bowden's answer: No, I just work with him to handle the property because he works in Texas.
- Do you have a power of attorney which allows you to manage the property for your son?
 - Ms. Bowden's answer: No, he is my son and I am just helping him out.

I informed Ms. Bowden that her son, Morris Bowden, is the owner of record and that we need to communicate directly with him. I ask for and she provided me with Mr. Bowden's phone number where we could reach out to him directly. I told Ms. Bowden that I would look into the case, requested that she send me any written correspondence

that she had with Rick Hester, and that I would have Faith Gardner follow-up with her son, Morris Bowden.

Faith Gardner, NIS Code Enforcement Manager, followed up with a phone call to Mr. Morris Bowden on or before January 8, 2014, and mailed him a letter on January 21st in which she reiterated her phone conversation with him. (Please see attached letter dated January 21, 2014.) Faith Gardner also received and responded to calls from Ms. Bowden, January 8th, 10th, and 13th. In these interactions with Ms. Bowden, Ms. Gardner expressed that civil penalties cannot be forgiven at the NIS departmental level, and that she, Ms. Gardner, needed to interact directly with the owner regarding these matters. In each exchange with Faith Gardner, Ms. Bowden expressed her frustration related to her feeling that she had been told by Rick Hester that the matter of the billings "had been taken care of". Each time, Faith Gardner informed Ms. Bowden that we would look into the matter, but gave Ms. Bowden no indication that any civil penalties, fees, or liens for work done would be removed or forgiven at NIS department level. She also suggested that Ms. Bowden send me any copies of any email exchanges she had with Rick Hester. (Please see attached email from Faith Gardner)

Based on my discussion with Ms. Bowden, review of Rick Hester's emails to Ms. Bowden and Rick Hester's statement contained in his memo dated February 11th, Mr. Hester only spoke to Ms. Bowden and he never spoke or communicated in any way with the owner, Morris Bowden. (Please see attached memo to Constance Stancil dated February 11, 2014.) Mr. Hester's behavior in this matter is being treated as a personnel matter.

As to the facts of the case related to the assessment of a lien and civil penalties, I have attached a chronology of events along with documentation.