

17 January, 2006

Asheboro City Police Chief Gary Mason  
205 East Academy Street  
Asheboro, N.C. 27203

Chief Mason,

I am in receipt of your letter dated December 22, 2005 (postmarked January 3, 2006). The following summarizes my position on this issue.

Prompted by a series of articles published this fall on the workings of the Randolph County Court system, **on December 8, 2005 I personally delivered a criminal complaint to Detective Donna Mason of the Randolph County Sheriff's Department. It outlined criminal allegations against Randolph Hospital CEO, Robert Morrison and Randolph Hospital Vice President, Steven Eblin (specifically perjury, contempt of Court and fraud during civil litigation pertaining to the termination of my employment by Randolph Medical Associates in 1998).**

**I formally reported this administrative misconduct via correspondence to the Chairman of Randolph Hospital's Board of Directors, Robert Shaffner in April 2003.** As you note in your letter, prior to that, my former attorney, Steven Schmidly, brought the matter to the attention of Robert Wilson, Randolph Hospital's lawyer. Mr. Wilson advised Mr. Schmidly that, as an "expert" in the laws governing "non-profit" institutions, he never would have made such a gross error (attempting to deflect "fault" to the trial attorneys). Yet neither he nor the hospital has done anything to correct the consequences of that mistake to me.

Unless **the Randolph Hospital Board of Directors condones lying and bad faith**, Mr. Morrison and Mr. Eblin, as administrators of a "non-profit hospital" who knowingly lied in sworn discovery responses (apart from being illegal, a gross display of contempt for the public whose records they concealed), **should have been fired** when this matter was brought to the Board's attention. Yet Robert Shaffner has never deemed it necessary to answer my correspondence – or invite me to a Board meeting to discuss it.

**In June 2003, I asked Randolph County District Attorney Garland Yates to refer this matter to the State Bureau of Investigation for a full and independent investigation.**

**In September 2003, SBI officials informed me that no investigation had been conducted** because Mr. Yates was of the "informed opinion" that "there is not sufficient evidence to suggest that any criminal violations were committed."

The complaint, submitted to Sheriff Hurley and forwarded to you, was re-drafted from the original, to simplify and specify the allegations. **This letter, the re-drafted criminal complaint and its companion letter to ADA Andy Gregson (relating my interactions with the DA's office since 2003) are now posted on the Internet at [www.asheboropediatrics.com](http://www.asheboropediatrics.com). It does not appear that Mr. Yates and I are looking at the same evidence.**

The complaint landed on your desk because **Randolph County Sheriff, Litchard Hurley determined that the case was in your jurisdiction (since the false answers were sworn at Randolph Hospital) which is within the city limits.** Sheriff Hurley assured me (via phone) that the matter would be taken seriously and he would personally speak to you. I will note that Sheriff Hurley's is an elected position. Yours is not.

In your letter, you cited Article IV, Section 18 of the North Carolina Constitution, and declined to open an investigation – offering up Mr. Yates’ previous determination as the reason why.

Chief Mason, **very respectfully**, I did not ask the Asheboro Police Department to “prosecute” this case. That’s not your job. However, I did ask you to investigate the allegations (as you would any other felony or misdemeanor reported by any other citizen) and to present the results of that investigation to the District Attorney for his review.

For your information, **Steve Schmidly** does not represent me. He long ago abandoned this case (after I questioned the adequacy of his legal representation prior to and during settlement negotiations to the N.C. State Bar). Steve has proven to be a huge disappointment – both as a lawyer and a “friend”.

Last month, I spent some time in the **Randolph County Magistrate’s Office**, as I attempted to get the complaint sworn. I watched other citizens easily swear out comparatively minor complaints, and those complaints will get more police attention than mine ever has. Indeed, more police attention was directed at me last year (2004) for the “sin” of erecting a temporary banner next to a sidewalk when I protested in front of Randolph Hospital (a protest that was ignored by the Courier Tribune). When Bob Morrison & April Thornton called, the Asheboro PD jumped.

Since getting your letter, I have called (anonymously) several police departments in other towns and made inquiries about several different felony scenarios. Each time, I was assured that if a complaint was made, it would be properly investigated by law enforcement and the District Attorney would not even get involved until after an investigation had taken place.

**In my case, the scenario has been reversed. Mr. Yates made his determination without asking law enforcement to investigate. For over two years, he has offered no written explanation, and last month refused to schedule an appointment with me to discuss his reasoning.** State officials have thus far cited Mr. Yates’ absolute “prosecutorial discretion” (a discretion I believe Mr. Yates abused in the past – when I was threatened with arrest if I did not return to Asheboro to “support the testimony” of a witness he KNEW he could not put on the stand). I have news for ADA Andy Gregson. What he hears in my voice and my writing (because he, like the Randolph Hospital Board of Directors, has never met with me face to face) is not “arrogance”. It is righteous anger and frustration with a system of justice that does not work – his system. People get tired of being stomped on.

Martha Stewart’s perjury conviction was upheld this month on appeal. Even former President Bill Clinton saw his Arkansas law license sanctioned after he lied in deposition about “having sex with that woman”. It seems that one cannot get away with lying to federal investigators. **But in a Randolph County Court proceeding, Robert Morrison and Steven Eblin CAN get away with lying to Dr. Mary Johnson. They ARE above the law.**

**The re-drafted complaint I have provided to your office (which the District Attorney’s Office has NOT reviewed) provides black and white evidence of perjury, more than sufficient to prove the allegations as stated. FACTS ARE FACTS. Mr. Yate’s Constitutional responsibility is clear. His JOB is to enforce the laws of North Carolina on behalf of ALL of the citizens of Randolph County.**

For your information, I met with **US Congressman Howard Coble** in August. He promised me assistance in seeing this matter investigated through federal agencies – including the IRS. I have

yet to see the Congressman move on his promise, so this letter (along with the re-drafted criminal complaint and the letter to ADA Gregson) is being copied to him. It is also being copied to **NC Representative Harold Brubaker** – as healthcare and ethics in government suddenly seems to be a hot topic of discussion in Raleigh. I am of the opinion that our state and federal lawmakers could learn something from what went on in Representative Brubaker’s own backyard.

**Asheboro is supposed to be a God-fearing town whose leaders put a high priority on “small town values” . . . and on truth. Yet the Asheboro City Council (proselytizing on its desire to recruit more young professionals to the community) still appointed Robert Morrison to a “strategic planning” steering committee KNOWING what he did to a young physician who came home.**

I will assume that your office still has the materials that I delivered to Detective Mason on file. As you know, I currently work several hours away during the week. **If it remains your position that you cannot open an investigation, please see that the criminal complaint and its supporting documentation are promptly delivered to Mr. Yate’s office for his immediate review, and please advise me when that has happened.** This letter is being copied to him. Mr. Yates and Mr. Gregson have two letters from me now. Without lifting a finger, they have ALL of the elements of perjury spelled out for them in black and white. They have motive in the form of salary incentives and production bonuses and outright arrogant malevolence. And they have a victim who wants to press charges and CAN testify. There are no excuses. So I look forward to scheduling that appointment with Mr. Yates in order to discuss how to proceed.

Chief Mason, any other citizen (plaintiff, defendant, lawyer, doctor, whatever) of Asheboro or Randolph County participating in a Court proceeding . . . any other physician or businessperson signing a contract with Randolph Hospital . . . indeed, ANYONE ELSE reading this letter would have expected Robert Morrison and Steven Eblin AND their hot-shot, big-city lawyers to obey the rules, to play fair, to tell the truth . . . and to be held accountable if they did not. **What these gentlemen did was a crime. They have been caught. It is their problem. NOT MINE.** Asheboro is my home. I am not going to pretend this did not happen, I am not going to be quiet, and I am not going to “just go away”. I am quite prepared to take this matter of community ethics to “ordinary” local voters.

**Thank you** for your assistance in this matter,

Mary H. Johnson, M.D., FAAP

cc. Randolph County Sheriff, Litchard Hurley  
 Randolph County District Attorney, Garland Yates  
 Resident Superior Court Judge Brad Long\*  
 Chief District Judge William Neely\*  
 Chief Magistrate, Roger Greene  
 Mayor David Jarrell\*  
 The Asheboro City Council  
 The Randolph Hospital Board of Directors  
 Congressman Howard Coble\*  
 NC Representative Harold Brubaker\*  
 NC Attorney General Roy Cooper\*

