



LEGISLATIVE ETHICS COMMITTEE
COMPLAINT FORM

Date Received:
Case Number:

The Legislative Ethics Committee has the authority to investigate complaints against legislators for alleged violations of matters covered by Chapter 138A of the North Carolina General Statutes ("The State Government Ethics Act) or Article 14 of Chapter 120 (Legislative Ethics Act).

CONTACT INFORMATION

(Please Type or Print clearly)

The State Government Ethics Act requires that a complaint contain the name, address, and telephone number of the person filing the complaint. The Legislative Ethics Committee cannot accept anonymous complaints.

Printed Name: Julie Taylor / National Farm Worker Ministry

Address: 112 Cox Avenue, Ste. 208

City: Raleigh

State: North Carolina

Zip: 27605

Telephone No: (919) 807-8707

NATURE OF THE COMPLAINT

The Legislative Ethics Committee only has jurisdiction over legislators. It does not have jurisdiction over legislative employees, public servants, or judicial officers.

1. Identify the person who you believe may have violated specific provisions of the State Government Ethics Act or the Legislative Ethics Act:

Name: David Lewis

Office of the person against whom this complaint is filed: State Representative / District 53

2. Provide the date(s) the alleged violation occurred: On or around June 25-June 28
3. Please provide a concise statement of the nature of your complaint **and** specific facts indicating that a violation of Chapter 138A (the State Government Ethics Act) *or* Chapter 120 (the Legislative Ethics Act) of the North Carolina General Statutes has occurred. Please provide as much detail as possible and attach any documentation you have that supports your claim. *Attach additional pages if needed.*

Rep. Lewis is the owner of a diversified farm in Dunn, NC and employs over 25 employees to plant, cultivate, and harvest numerous crops, including tobacco. As a member of the NC Growers Association (NCGA), Rep. Lewis' farm and employees are covered by a collective bargaining agreement with the Farm Labor Organizing Committee (FLOC), that represents NCGA and Rep. Lewis' employees. This collective bargaining agreement adds additional rights and benefits for Rep. Lewis' employees, including a grievance procedure to handle alleged violations of the law or contract, just cause termination requirements, collective bargaining rights, emergency leave provisions, additional requirements for health and safety of employees, and deduction of voluntary dues from members that join FLOC. In late June, 2017, Rep. Lewis oversaw the committee that amended the Farm Bill to include language aimed at stopping FLOC from continuing their efforts to improve wages and work conditions in North Carolina by making parts of the collective bargaining agreement to which he is a party illegal.

S615 made it illegal for farmers to agree to deduct voluntary union dues from workers who want to pay those dues. The collective agreement between FLOC, NCGA, and Rep. Lewis, specifically includes an agreement from grower-members of the NCGA, including Rep. Lewis, to deduct voluntary dues of union members. Without union dues deduction, it becomes difficult for a union to administer that agreement and less likely that the employees on the Representative's farm will be informed of their rights and encouraged to file grievances under that collective bargaining agreement. I believe that a state representative amending a bill in an attempt to invalidate a portion of a contract they are a party to, decreasing the requirements of their personal business in that contract and weakening the ability of the union to represent his agricultural employees is unethical. This is an attempt to use his official position to derive financial benefits. If Rep. Lewis wanted to change the collective bargaining agreement, he should have attempted to re-negotiate that agreement, instead of passing laws to influence such negotiations.

Attach additional pages if needed.

4. If possible, check the statutory provision you believe has been violated (*check all that apply*):

Chapter 138A: the State Government Ethics Act

- Use of public position for private gain (§138A-31)
- Receipt of a prohibited gift (§138A-32)
- Conflict of interest while taking legislative action (§138A-37)

Article 14 of Chapter 120 of the General Statutes (Legislative Ethics Act):

- Bribery (§120-86)
- Personnel-related action (§120-86.1)
- Disclosure of confidential information (§120-87)
- A specific violation of the criminal law by a legislator while acting in the legislator's official capacity as a participant in the lawmaking process (§120-103.1(a)(3)). Please specify the particular criminal law allegedly violated:

Violation of an Ethical Principle and Guideline adopted by the Legislative Ethics Committee:

Other (please explain) _____

5. Provide the names of other persons who may have information that would support your allegations.

Justin Flores, Vice-President, Farm Labor Organizing Committee

6. State whether the individuals and conduct complained of have been the subject of a prior complaint or proceeding of any kind. If so, state the place where the prior complaint was filed and its current status.

No

SWORN COMPLAINT

I hereby swear or affirm, under penalty of perjury and other penalties established by North Carolina law, that the information provided in this complaint is true, correct, complete, and of my own personal knowledge, or if not, I believe the information to be true based upon:

Signature July 18, 2017
Date

STATE OF NORTH CAROLINA
COUNTY OF _____

SWORN TO (or affirmed) and subscribed before me this day by: _____

Date: _____
Official Signature of Notary Public _____

Typed or Printed Notary Name: _____

(Official Seal) My Commission Expires: _____

Submit the completed sworn complaint to:
Cochairs, Legislative Ethics Committee
c/o Research Division, North Carolina General Assembly
300 N. Salisbury Street
Room 545, Legislative Office Building
Raleigh, North Carolina 27603-5925.