



LEGISLATIVE ETHICS COMMITTEE
COMPLAINT FORM

Date Received:

Case Number:

The Legislative Ethics Committee has the authority to investigate complaints against sitting 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 of the North Carolina General Statutes (the Legislative Ethics Act). Examples of matters covered by the State Government Ethics Act include use of public position for private gain; conflict of interest while taking legislative action; or receipt of a prohibited gift. Examples of matters covered by the Legislative Ethics Act include bribery; unethical personnel-related action; disclosure of confidential information; a violation of the criminal law by a legislator while acting in the legislator's official capacity as a participant in the lawmaking process; violation of an Ethical Principle and Guideline adopted by the Legislative Ethics Committee; or violation of a formal written advisory opinion adopted by the Legislative Ethics Committee.

Submit the completed sworn complaint to:

Cochairs, Legislative Ethics Committee
c/o Legislative Analysis Division, North Carolina General Assembly
300 N. Salisbury Street
Room 545, Legislative Office Building
Raleigh, North Carolina 27603-5925

COMPLAINANT'S INFORMATION

(Please type or print clearly.)

The Legislative Ethics Committee cannot accept anonymous complaints. Please provide your name, address, county of voter registration, and telephone number.

Printed Name: Bob Hall aka Robert H. Hall

Address: 5706 Old Stony Way

City: Durham State: NC Zip: 27705

County: Orange Telephone Number: (919) 489-1931

NATURE OF THE COMPLAINT

1. The complaint must identify the individual legislator who you believe may have violated provisions of the State Government Ethics Act or the Legislative Ethics Act. If the complaint involves multiple legislators, a separate complaint form must be submitted for each legislator. *The Legislative Ethics Committee only has jurisdiction over current legislators, and does not have jurisdiction over legislative employees, public servants, judicial officers, or former legislators.*

Name of the current legislator against whom the complaint is filed: Rep. John Torbett

2. The complaint must identify the specific timeframe of the alleged violation(s) of the State Government Ethics Act or the Legislative Ethics Act.

Provide the date(s) the alleged violation(s) occurred: January 1, 2017 to June 30, 2020

3. The complaint must be within your own personal knowledge, or you must provide the basis upon which you believe the alleged violation(s) of the State Government Ethics Act or the Legislative Ethics Act has occurred. Please provide a concise statement of the nature of your complaint including any relevant supporting facts with as much detail as possible. Attach any documentation you have that supports your claim, and *use additional pages if needed.*

Upon information and belief: Rep. Torbett has violated the State Government Ethics Act and/or Legislative Ethics Act by using his public position as a member of the General Assembly to solicit substantial compensation from the state government for lodging, meals and travel expenses which he claimed to have incurred in the performance of his duties as a legislator, but which were in fact paid by his campaign committee and not by himself. By taking official action to cause the government to make payments for a supposedly public purpose, he enriched his private fortunes with tax-exempt income.

Based on my examination of expense records of current legislators, no House members have taken action to receive more government payments for expenses paid by another source than Rep. Torbett and Rep. Josh Dobson, who is the subject of another complaint.

Rep. Torbett received government payments of more than \$85,000 from January 1, 2017 to June 30, 2020 for housing, meals and travel connected to legislative meetings but those expenses were largely paid by his campaign. For example, Rep. Torbett charged the government more than \$48,000 in this period for housing, but his campaign paid \$65,902 for his Raleigh apartment's rent, furnishing and utilities. This total includes housing payments of \$1,831 made after the Legislative Ethics Committee issued Ethical Principle and Guideline 11 on May 20, 2020.

Rep. Torbett repeatedly took action in his official capacity to request, claim and accept payments from the public treasury for expenses that he knew were being paid by another source, namely his campaign. The exceptionally large sum of public money involved in his wrongdoing requires attention. It is difficult to see how the Legislative Ethics Committee cannot recognize his actions as unethical and a violation of state law that merits investigation and discipline in accordance with NCGS 138A-31, NCGS 120-102 or other provisions. In addition, he continued to take government subsistence and travel payments that were paid by another source after May 20, 2020 in violation of Ethical Principle and Guideline 11.

I am asking the members of the Legislative Ethics Committee to have the courage to enforce the State Government Ethics Act and Legislative Ethics Act, declare the actions of Rep. Torbett unethical, investigate and seek repayment of improperly obtained state funds as required of this Committee by NCGS 120-102(a)(8), and take whatever steps are appropriate to discipline a member of the General Assembly. Let me be clear: I am not asking the Committee to retroactively apply Ethical Principle and Guideline 11. Torbett's actions after May 20, 2020 are clearly covered by that Guideline, and actions before that date are covered by state laws that prohibit legislators from taking official action, including an administrative decision, to request,

charge or claim state funds for their private gain and for failing to repay those funds to the state. The Committee has an obligation under NCGS 120-102(a)(8) to “investigate,” not just debate, “[u]pon receipt of information that a legislator owes money to the State. . . .”

4. Provide the name(s) and contact information, if known, of any other person(s) who may have information that would support your claim.

Documents with Legislative Services Office and State Board of Elections Campaign Finance Office; see sample of information in attachment to this complaint.

5. State whether the current legislator, and conduct described in Question 3 above, are or have been the subject of another complaint or proceeding of any kind. If so, state the place when and where the other complaint was filed and its current status, if known.

NONE

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:

Documentation of subsistence and travel payments from the Legislative Services Office and Campaign Finance disclosure reports filed with the State Board of Elections.

Signature

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 Public Name: _____

My Commission Expires: _____

HOUSING FOR LEGISLATIVE MEETINGS PAID BY REP. JOHN TORBETT'S CAMPAIGN

PAYEE	CITY	DATE	AMOUNT	PURPOSE
CLARION CROSSING	RALEIGH	1/4/2017	962.65	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	1/6/2017	171.97	APARTMENT ELECTRICITY
UNIVERSAL PROPERTY & CASUALTY INSURANCE	FORT LAUDERDALE	1/10/2017	117.00	APARTMENT INSURANCE
CLARION CROSSING	RALEIGH	2/3/2017	959.18	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	2/3/2017	137.35	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	2/3/2017	195.99	APARTMENT INTERNET/PHONE/CABLE
CLARION CROSSING	RALEIGH	3/3/2017	963.47	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	3/3/2017	90.74	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	3/27/2017	98.86	APARTMENT INTERNET/PHONE/CABLE
CLARION CROSSING	RALEIGH	4/5/2017	966.44	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	4/7/2017	113.12	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	4/12/2017	93.52	APARTMENT INTERNET/CABLE/PHONE
CLARION CROSSING	RALEIGH	5/4/2017	967.77	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	5/5/2017	69.50	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	6/3/2017	202.30	APARTMENT INTERNET/PHONE/CABLE
CLARION CROSSING	RALEIGH	6/5/2017	965.83	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	6/6/2017	78.36	APARTMENT ELECTRICITY
CLARION CROSSING	RALEIGH	7/3/2017	971.44	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	7/5/2017	116.27	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	7/7/2017	93.48	APARTMENT INTERNET/PHONE/CABLE
DUKE ENERGY PROGRESS	CHARLOTTE	8/10/2017	101.78	APARTMENT ELECTRICITY
CLARION CROSSING	RALEIGH	8/14/2017	1,040.87	APARTMENT RENTAL
TIME WARNER CABLE	NEW YORK	8/27/2017	93.48	APARTMENT INTERNET/PHONE/CABLE
CLARION CROSSING	RALEIGH	9/5/2017	959.80	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	9/5/2017	89.23	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	9/27/2017	95.03	APARTMENT INTERNET/PHONE/CABLE
CLARION CROSSING	RALEIGH	10/4/2017	962.46	APARTMENT RENTAL
ELAN CITY CENTER	RALEIGH	10/4/2017	150.00	APARTMENT RENTAL
ELAN CITY CENTER	RALEIGH	10/4/2017	500.00	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	10/4/2017	59.97	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	10/13/2017	95.02	APARTMENT INTERNET/PHONE/CABLE
Aggregated Non-Media Expenditure		11/2/2017	45.87	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	11/2/2017	95.02	APARTMENT INTERNET/PHONE/CABLE
CLARION CROSSING	RALEIGH	11/3/2017	957.76	APARTMENT RENTAL
ELAN CITY CENTER	RALEIGH	11/15/2017	535.65	APARTMENT RENTAL
CLARION CROSSING	RALEIGH	12/4/2017	168.00	APARTMENT RENTAL
ELAN CITY CENTER	RALEIGH	12/4/2017	1,419.00	APARTMENT RENTAL
UNIVERSAL PROPERTY & CASUALTY INSURANCE	FORT LAUDERDALE	12/6/2017	113.00	APARTMENT INSURANCE
DUKE ENERGY PROGRESS	CHARLOTTE	12/7/2017	102.90	APARTMENT ELECTRICITY
ELAN CITY CENTER	RALEIGH	1/3/2018	1,438.88	APARTMENT RENTAL
TIME WARNER CABLE	NEW YORK	1/5/2018	168.67	APARTMENT INTERNET/PHONE/CABLE
DUKE ENERGY PROGRESS	CHARLOTTE	1/13/2018	105.48	APARTMENT ELECTRICITY

ELAN CITY CENTER	RALEIGH	2/5/2018	1,434.76	APARTMENT RENTAL
TIME WARNER CABLE	NEW YORK	2/7/2018	94.82	APARTMENT INTERNET/PHONE/CABLE
ELAN CITY CENTER	RALEIGH	3/2/2018	1,435.91	APARTMENT RENTAL
Aggregated Non-Media Expenditure		3/5/2018	44.47	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	3/16/2018	94.82	APARTMENT INTERNET/PHONE/CABLE
ELAN CITY CENTER	RALEIGH	4/2/2018	1,433.19	APARTMENT RENTAL
Aggregated Non-Media Expenditure		4/2/2018	30.88	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	4/21/2018	94.82	APARTMENT INTERNET/PHONE/CABLE
ELAN CITY CENTER	RALEIGH	5/1/2018	1,434.34	APARTMENT RENTAL
Aggregated Non-Media Expenditure		5/3/2018	39.66	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	5/21/2018	94.82	APARTMENT INTERNET/PHONE/CABLE
ELAN CITY CENTER	RALEIGH	6/4/2018	1,433.92	APARTMENT RENTAL
Aggregated Non-Media Expenditure		6/4/2018	41.20	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	6/21/2018	94.82	APARTMENT INTERNET/PHONE/CABLE
ELAN CITY CENTER	RALEIGH	7/2/2018	1,432.34	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	7/9/2018	56.55	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	7/20/2018	94.82	APARTMENT INTERNET/PHONE/CABLE
ELAN CITY CENTER	RALEIGH	8/2/2018	1,433.08	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	8/6/2018	51.73	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	8/21/2018	94.82	APARTMENT INTERNET/PHONE/CABLE
ELAN CITY CENTER	RALEIGH	9/4/2018	1,434.02	APARTMENT RENTAL
Aggregated Non-Media Expenditure		9/4/2018	37.64	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	9/21/2018	94.80	APARTMENT INTERNET/PHONE/CABLE
ELAN CITY CENTER	RALEIGH	10/4/2018	1,432.98	APARTMENT RENTAL
Aggregated Non-Media Expenditure		10/5/2018	39.23	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	10/22/2018	94.80	APARTMENT INTERNET/PHONE/CABLE
ELAN CITY CENTER	RALEIGH	11/2/2018	1,432.77	APARTMENT RENTAL
Aggregated Non-Media Expenditure		11/5/2018	33.96	APARTMENT ELECTRICITY
UNIVERSAL PROPERTY & CASUALTY INSURANCE	FORT LAUDERDALE	11/21/2018	123.00	APARTMENT INSURANCE
TIME WARNER CABLE	NEW YORK	11/21/2018	94.80	APARTMENT INTERNET/PHONE/CABLE
Aggregated Non-Media Expenditure		12/3/2018	33.02	APARTMENT ELECTRICITY
ELAN CITY CENTER	RALEIGH	12/4/2018	1,433.35	APARTMENT RENTAL
TIME WARNER CABLE	NEW YORK	12/21/2018	95.98	APARTMENT INTERNET/PHONE/CABLE
Aggregated Non-Media Expenditure		12/31/2018	41.69	APARTMENT ELECTRICITY
GREYSTAR	RALEIGH	1/4/2019	1,433.99	APARTMENT RENTAL
TIME WARNER CABLE	NEW YORK	1/22/2019	95.98	APARTMENT INTERNET/PHONE/CABLE
GREYSTAR	RALEIGH	2/4/2019	1,434.20	APARTMENT RENTAL
Aggregated Non-Media Expenditure		2/4/2019	46.79	APARTMENT ELECTRICITY
GREYSTAR	RALEIGH	2/15/2019	1,044.00	APARTMENT RENTAL
TIME WARNER CABLE	NEW YORK	2/25/2019	174.06	APARTMENT INTERNET/PHONE/CABLE
GREYSTAR	RALEIGH	3/4/2019	1,487.00	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	3/18/2019	59.20	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	3/25/2019	98.16	APARTMENT INTERNET/PHONE/CABLE
DUKE ENERGY PROGRESS	CHARLOTTE	4/1/2019	57.35	APARTMENT ELECTRICITY
GREYSTAR	RALEIGH	4/2/2019	1,488.82	APARTMENT RENTAL

TIME WARNER CABLE	NEW YORK	4/26/2019	135.98	APARTMENT INTERNET/PHONE/CABLE
GREYSTAR	RALEIGH	5/2/2019	1,501.51	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	5/2/2019	55.32	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	5/29/2019	98.16	APARTMENT INTERNET/PHONE/CABLE
GREYSTAR	RALEIGH	6/3/2019	1,500.54	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	6/3/2019	64.88	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	6/27/2019	98.17	APARTMENT INTERNET/PHONE/CABLE
GREYSTAR	RALEIGH	7/3/2019	1,499.26	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	7/5/2019	56.21	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	7/29/2019	98.17	APARTMENT INTERNET/PHONE/CABLE
GREYSTAR	RALEIGH	8/2/2019	1,498.09	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	8/2/2019	72.32	APARTMENT ELECTRICITY
TIME WARNER CABLE	NEW YORK	8/27/2019	98.17	APARTMENT INTERNET/PHONE/CABLE
GREYSTAR	RALEIGH	9/3/2019	1,501.07	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	9/3/2019	86.62	APARTMENT ELECTRICITY
SPECTRUM	NEW YORK	9/27/2019	104.58	APARTMENT INTERNET/PHONE/CABLE
GREYSTAR	RALEIGH	10/2/2019	1,498.32	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	10/4/2019	90.14	APARTMENT ELECTRICITY
SPECTRUM	NEW YORK	10/27/2019	99.78	APARTMENT INTERNET/PHONE/CABLE
UNIVERSAL PROPERTY & CASUALTY INSURANCE	FORT LAUDERDALE	10/30/2019	123.00	APARTMENT INSURANCE
DUKE ENERGY PROGRESS	CHARLOTTE	11/1/2019	74.48	APARTMENT ELECTRICITY
GREYSTAR	RALEIGH	11/4/2019	1,497.46	APARTMENT RENTAL
SPECTRUM	NEW YORK	11/27/2019	99.78	APARTMENT INTERNET/PHONE/CABLE
GREYSTAR	RALEIGH	12/2/2019	1,495.43	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	12/2/2019	55.02	APARTMENT ELECTRICITY
SPECTRUM	NEW YORK	12/27/2019	124.98	APARTMENT INTERNET/PHONE/CABLE
GREYSTAR	RALEIGH	1/2/2020	1,444.66	APARTMENT RENTAL
Aggregated Non-Media Expenditure		1/2/2020	44.83	APARTMENT ELECTRICITY
SPECTRUM	NEW YORK	1/27/2020	125.00	APARTMENT INTERNET/PHONE/CABLE
GREYSTAR	RALEIGH	2/3/2020	1,441.03	APARTMENT RENTAL
Aggregated Non-Media Expenditure		2/3/2020	42.36	APARTMENT ELECTRICITY
SPECTRUM	NEW YORK	2/27/2020	125.00	APARTMENT INTERNET/PHONE/CABLE
GREYSTAR	RALEIGH	3/4/2020	1,450.96	APARTMENT RENTAL
DUKE ENERGY PROGRESS	CHARLOTTE	3/5/2020	55.12	APARTMENT ELECTRICITY
SPECTRUM	NEW YORK	3/27/2020	125.00	APARTMENT INTERNET/PHONE/CABLE
GREYSTAR	RALEIGH	4/2/2020	1,441.45	APARTMENT RENTAL
Aggregated Non-Media Expenditure		4/3/2020	41.69	APARTMENT ELECTRICITY
SPECTRUM	NEW YORK	4/27/2020	125.00	APARTMENT INTERNET/PHONE/CABLE
GREYSTAR	RALEIGH	5/4/2020	1,494.25	APARTMENT RENTAL
Aggregated Non-Media Expenditure		5/4/2020	46.05	APARTMENT ELECTRICITY
SPECTRUM	NEW YORK	5/27/2020	125.00	APARTMENT INTERNET/PHONE/CABLE
DUKE ENERGY PROGRESS	CHARLOTTE	6/1/2020	52.65	APARTMENT ELECTRICITY
GREYSTAR	RALEIGH	6/2/2020	1,528.88	APARTMENT RENTAL
SPECTRUM	NEW YORK	6/27/2020	125.00	APARTMENT INTERNET/PHONE/CABLE
TOTAL CAMPAIGN PAYMENTS FOR HOUSING			\$ 65,902	

**PAYMENTS REQUESTED FROM LEGISLATIVE SERVICES
FOR REP. JOHN TORBETT**

HOUSING & MEAL SUBSISTENCE PER DIEM	2017	220 DAYS	\$ 22,880
	2018	157 DAYS	16,328
	2019	288 DAYS	29,952
	To 6/30/2020	Min. 30 DAYS	3,120
TOTAL (HOUSING: \$48,650; MEALS: \$23,630)			\$ 72,280
TRAVEL NON-TAXABLE PAYMENT	2017		4,541
	2018		4,459
	2019		4,754
	To 6/30/2020	Min.	1,232
TOTAL			\$ 14,986