

March 17, 2008

Indiana Department of Local Government Finance
100 N. Senate Ave., Room N-1058
Indianapolis, IN 46204

RE: Common Construction Wage Hearings and Agreements

To: Local Government Tax Control Board and School Property Tax Control Board

As a citizen of Delaware County, State of Indiana, I, Christopher N. Hiatt, do hereby object to the Common Construction Wage decisions regarding two CCW hearings held in Delaware County on February 28, 2008. I subsequently petition the DLGF to review and make findings regarding my objections.

In 2 of the hearings (of the 4 being heard), the CCW Hearing for the Muncie Redevelopment Commission demolition of a building and the Delaware Community School mechanical and electrical HVAC project, the composition of the appointments were not legal. At neither of the 2 previously noted hearings was there a legal taxpayer appointment by the County Legislative Body, the Delaware County Commissioners. Said issue was formally objected to and made a matter of the record in both instances at the very beginning of both hearings. In spite of those objections and the confessed illegality of the representatives, the State of Indiana, by and through, its hearing officer, Kenneth Boucher, who was presiding over the said hearings allowed the appointed representatives to remain and participate in the hearings. Additionally, Mr. Boucher ultimately cast the tie-breaking and deciding votes in favor of Organized Labor and against the wishes and votes of the project ownership thereby awarding the highest of three wage submissions. Of the three votes cast in favor of, including the Governor's Representative, the Labor Representative and the illegal County Taxpayer Representative, not a single one of them will ever pay one red cent to the cost of the project.

Let the facts reflect that the illegal County appointments, in both instances, were premeditated Organized Labor "plants", designed to accomplish one thing and one thing alone. As if the fact that one of our very own governing bodies would try and sabotage our efforts of being fiscally responsible and exercising our rights to democratically make decisions that would have an impact upon our immediate economic futures is one thing. To have a Governor's Representative condone and endorse that behavior contrary to the desires of the Awarding Agency is a whole different animal. It is totally unacceptable. This is nothing short of a travesty.

The Delaware County Commissioners appointment for the Muncie Redevelopment Commission on the demolition of the old Star Press building was a Mr. Duane Harty. The MRC oversees the downtown TIF of which was the title holder and responsible party for the demolition. TIF monies and ONLY TIF monies were responsible and obligated for the work. The TIF district is shown in the accompanying map. Mr. Harty lives outside and retains no taxable holdings in and/or subject to the downtown TIF. This was so acknowledged on the record at the very beginning of the hearing.

The Delaware County Commissioners appointment for the Delaware Community Schools Electrical/Mechanical HVAC project was a Mr. Jack Neal Jr. Once again, Mr. Neal lives outside and has no taxable holding within the Delaware Community School District. This as well was made a matter of record at the hearing. Furthermore, the Delaware County Commissioners didn't even appoint Mr. Neal to this CCW. As supported by the accompanying DVD, Mr. Neal's appointment was made "spontaneously" by the Delaware County Commissioners' attorney, Mr. Steve Murphy, who admitted to the illegality of the appointment.

My hope is that the DLGF will either void these two defective hearings and allow the Awarding Agency to set the Wage or at a minimum void the vote of the illegal appointments creating a "tie" in which, per IC 5-16-7, the Awarding Agency will set the Common Construction Wage from the evidence and wage scales presented at the hearings.

I have made a formal request to the Indiana Department of Labor for the record of these hearings but as of this time have not received the same. I would hope that the DLGF, if it finds relevant the record, please request them from the Indiana Department of Labor.

The supporting legal references regarding these grievances are IC 5-16-7 and 50 IAC 11.

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