

As shutdown continues, Dan River Region nonprofits prepared to aid community should impact worsen

Halle Parker Jan 16, 2019



A United Way volunteer assists a local resident with paperwork.

Contributed photo



[If federal government shutdown continues, SNAP benefits for thousands in Dan River Region in limbo come March](#)

Halle Parker

When people attempt to email the Pittsylvania County Farm Service Agency’s executive director, an automatic reply swiftly nestles itself in their inbox.

“Thank you for your message,” it begins. “I am not in the office at this time. I am on furlough without access to email, due to the lapse in federal government funding.”

To conclude the message, director Tammy Wright wrote, “I will return your message as soon as possible once funding has been restored.”

Beyond Pittsylvania County and Danville, more than 800,000 federal government workers have been furloughed without pay since the start of the longest U.S. government shutdown in history.

After 21 days, the partial federal government shutdown has begun to threaten the lives of more than the furloughed as food benefits for those enrolled in the Supplemental Nutrition Assistance Program — formerly known as food stamps — are uncertain beyond February should the shutdown continue.

With the potential impacts in mind, local nonprofits are prepared to react should needs in the Danville-Pittsylvania County community worsen.

As of now, many say they’re taking a wait-and-see approach should that need materialize.

Karen Harris, executive director of Danville-based charity God’s Storehouse, said the food bank is currently operating normally, but expects to see bump in visitors starting next month.

Harris said the bump will probably happen whether the government reopens within the next couple days or not, as 21 days is a long time for people to be affected.

“It will be almost like a delayed reaction to it,” said Harris. “I fully anticipate that there could be an increase [in visitors] come February and March.”

Though those currently receiving Social Security checks won’t be affected by the shutdown, verification of Social Security and the issuance of new cards could be affected as the local branches furlough staff.

Harris said the food bank serves a large number of elderly people who rely on social security and disability checks as their main source of income.

Right now, she said the food bank is relatively stocked up on donations.

“We’ll wait and see,” she said. “And then, when it happens, be ready.”

Harris still encouraged the community to continue to donate as the storehouse typically sees donations decrease between January and February — a lull after the holiday season.

“People could do food drives, that would really help us,” she said.

Although the Salvation Army of Danville does receive some funding from the Federal Emergency Management Agency, co-officer Capt. Ray Jackson said their organization is running smoothly at this point in the shutdown, not requiring more funds.

So far, they haven’t seen an impact from the shutdown, he said.

United Way Director of Public Relations and Operations Traci Petty said they’re not aware of the shutdown causing a greater need in the community yet, but can jump into action should they receive reports of it.

“If we determined there was a need, we would work to help rally other organizations,” she said, as their agency typically helps fund others. “We’d certainly do whatever we can.”

When needs have arisen locally over the past year with the hurricanes, Petty said they’ve set up such resources as emergency numbers for people to call to request assistance.

Due to the rarity of a shutdown of this length, she said their organization doesn’t have any plan already in place, uncertain what affect this could have locally.

“This is only the second time that a shutdown was really long,” she said. “This is just not something we’re used to routinely seeing.”

On Wednesday, Congress passed and the president signed a resolution to compensate all federal workers with back pay once the government reopens.

Amid legal tussle, October emails, texts show some initial worry over supervisor, administrator relationship

Halle Parker Feb 4, 2019



David Smitherman



Ben Farmer

In early October, Pittsylvania County’s administrator disclosed to two board members and the county attorney that his family’s financial relationship with a board member-owned company “has potentially infiltrated” his job, show documents obtained by the Danville Register & Bee.

That email, by Pittsylvania County Administrator David Smitherman, came about two weeks before Blair Homes — a local residential construction company co-owned by supervisor Ben Farmer and his wife — filed the first of two mechanic’s liens against Smitherman and his wife. The couple had contracted Blair Homes to build their new home in Penhook.

Sent Oct. 11, the county administrator explained in the email to county attorney Vaden Hunt that his family was currently “engaged in a monetary dispute” with Blair Homes, adding the company had just communicated its intent to pursue a lien.

Smitherman then wrote that Farmer canceled a lunch they had scheduled for that day in a text message. Smitherman wrote that the text message also stated Farmer “would like to refrain from meeting with me until outstanding matters with Blair Homes are resolved.”



Pittsylvania County administrator’s family trade blows with supervisor-owned company in court

By the time he sent the email to Hunt, Smitherman wrote he had already explained the situation to Bob Warren and Ron Scarce, who were the board chairman and vice chairman at the time, respectively.

“I know of no reason this needs to be shared with the entire Board; my intention is only to disclose my financial relationship with Blair Homes and that such has potentially infiltrated my employment/professional relationship with Mr. Farmer,” Smitherman’s email read.

In early December, Blair Homes filed a complaint in Pittsylvania County Circuit Court calling for the enforcement of the liens, which totaled \$121,297.43 plus interest.

In response, the Smithermans filed a \$350,000 countersuit in 13 days later, accusing Blair Homes of fraud, violations of the Virginia Consumer Protection Act and breach of contract.

In his Oct. 11 email, Smitherman attached the screenshot of the text message conversation for Hunt to keep in his record.

Within the seven-message text conversation, Farmer explained he believed it would be best to “pause” the pair’s monthly meetings until matters with Blair Homes were resolved.

“To me, this is a small ask to ensure our future work relationship stays healthy,” wrote the Gretna supervisor in his final text message.

In responding to the initial cancelation from Farmer, Smitherman texted that he was disappointed that Farmer wasn’t able to separate their work relationship from the business, adding that he has a “firm black line” between his personal and business life.

“I will always place my priority and my utmost professionalism to our relationship, Ben,” Smitherman texted. “I will support you as a supervisor and will continue to dedicate my work to your success.”

Farmer texted back that while the business and work are separate, once his wife became involved she became his first priority.

“Family always comes first with me,” he texted.

Farmer noted he would “continue to be professional and represent my district the best I know how to.”

He reiterated this sentiment in an email to Hunt, following up Smitherman’s, where he explained the lunch meeting wasn’t one where attendance was required.

“I will be present at all functions that are required of me,” said Farmer in the email.

On Monday, Warren said beyond the October email, the issue hasn’t really concerned the board as it’s remained a “personal” matter between Smitherman and Farmer. He said he hasn’t noticed any changes in the pair’s relationship.

“Both gentlemen have been very professional and carried out the responsibilities of the positions to the full degree,” Warren said. “It’s not within the realm of board of supervisor business as long as they’re doing their respective responsibilities to the citizens of Pittsylvania County.”

Neither Farmer nor Smitherman would comment on their relationship beyond the email and the messages in the screenshot. Scarce did not return a request for comment.

No date is set for the lawsuit to be heard.

FOIA: Use of personal email addresses tend to cause issues for boards comprised of citizen appointees

Halle Parker Mar 10, 2019

After a year of public records requests and scrutiny, the county's social services board is in talks with Pittsylvania County about receiving county official email addresses for its board members to better respond to open records requests.

The conversation came up after a Freedom of Information Act (FOIA) request in October from the Danville Register & Bee for all emails from board members during a period before and after the firing of former social services director Sherry Flanagan.

In response to that request, the Danville Register & Bee received emails from two of the eight board members. The messages produced, however, suggest there was correspondence from other members during the timeframe specified by the Register & Bee that were not provided. A follow-up request turned up a document not initially supplied.

In the course of responding to the request, the law firm representing the social services department also requested a week-long extension to search for documents because it had trouble verifying whether board members were aware of the newspaper's request.

Emails from then-board member Ron Searce, who was the liaison from the board of supervisors, made up the bulk of the response, all acquired from his official county email address.

Aside from the supervisors' liaison, all social services board members use the personal email addresses they had prior to their appointments to conduct board business as they aren't automatically provided official email addresses by the county. Such personal email addresses are

from such online accounts as Google, Yahoo, or another private entity, while an official address would route through a server controlled by the local government agency.

None of the members of Pittsylvania County's local boards, such as the planning commission, social services board, the service authority or board of zoning appeals, are provided an official email address to ensure easier access by a staff member should an open records request arise. Once appointed, board members aren't required to attend FOIA training either.

Virginia Coalition for Open Government Director Megan Rhyne, an open-records watchdog, and Virginia FOIA Advisory Council Director Alan Gernhardt, who works for the state, said both issues are relatively common across the commonwealth when it comes to citizens appointed to local boards, despite the fact that they are under the same FOIA requirements of any other public body or board.

"All boards are supposed to follow the same rules as they pertain to meetings or access to records," said Rhyne. "It's the law."

According to state law, any person elected or appointed to any public body not explicitly exempted by the law must receive a copy of the FOIA chapter within two weeks of the election or appointment by the body's administrator or legal counsel. It also states the person must "read and become familiar with the provisions of this chapter."

Rhyne said it would make sense for those appointed to a board to be alerted to their responsibilities under FOIA before they accept the position.

"They need to at least get a heads up that they need to be doing this," she said.

When it comes to providing official emails, Gernhardt said he's observed that it largely depends on the resources available to a locality.

"Larger localities can, and often do. The more resources they have, the more likely they are to issue," he said. "The smaller ones not so much."

Both Rhyne and Gernhardt said they often field questions about whether personal emails, cellphone texts and other personal accounts are subject to FOIA.

Rhyne said even when board members in the larger localities have an official email address, it can be difficult for staff to convince the members to make the switch from their personal email addresses.

“They say, ‘I have everything on my personal email, why should I change?’” she said.

But the use of personal email addresses can cause an issue for retention of communications and documents that are meant to be public records, said Gernhardt. In other words, business-related emails in personal accounts are not always held onto for as long as the law dictates, as opposed to emails in official accounts, which are often maintained by a government agency.

“Virginia’s Freedom of Information Act doesn’t care what account you use ... It includes any record in the transaction of public business regardless of what device it’s on,” said Gernhardt.

If a board member who uses his personal email leaves the position, for example, those records that are meant to be accessible for an extended period of time could be deleted.

“Something that’s supposed to be permanent may be gone,” he said.

For every member of a county citizen board to receive an official email address, Pittsylvania County IT Director Scott Budd said there would be an initial cost to purchase the additional licenses for the email server.

Currently, the county has a slight cushion in regards to extra email licenses, but not enough to cover another board, let alone all of them.

Once the licenses are purchased though, Budd said the email addresses attached to them can be replaced as each person leaves their position and a new one enters, at no extra cost.

In his 20 years with the county, Budd said that to his knowledge, the county has never supplied email addresses to any board aside from the board.

When it comes to responding to FOIA requests, he said every email that passes through the server is automatically archived in a separate system in perpetuity, allowing the county to find requested emails even after a person leaves their position.

“All the emails remain in the archiver,” he said. After he builds the search in the archiver, he “pulls the emails we have and then exports it and gives them to whoever requested them.”

But, Budd noted, he can only pull out emails that are received or sent from the server – personal emails are out of reach.

As best practice, Gernhardt said his agency as well as the Library of Congress recommends that officials or board members using personal email addresses should forward emails that fall under FOIA to a staff member's email. He said that would avoid accidental violations of the law and allow the records to be archived in a server.

Joey Bray, the current chairman for the local social services board, said he's been a part of the board since October of 2017 and didn't receive any FOIA-specific training. He said it was his understanding that before 2018, the board hadn't received many FOIA requests.

For onboarding as a new member, he attended a mandatory training with the state department regarding his role on the local social services board but it only briefly mentioned FOIA – focusing more on social services.

“There's certainly a learning curve when it comes to being a part of any board, especially boards that are what I call, ‘FOIA'-able,” said Bray.

He said the county has offered to provide FOIA training to the social services board during its regular training session, which he plans to make available to the board when the details are cemented.

With training, he said board members could be more informed about what's accessible under FOIA and what remains confidential.

“I am of the opinion, and this is just my opinion, that we often times as just ordinary citizens, we don't know and so we need that training,” said Bray.

He added that if it's someone's first time serving on any board of a governmental agency, it's unlikely the person would understand how to respond to a legal request for documents or emails.

“Most assuredly you would not know how to respond or what to respond with,” said Bray.

In terms of receiving a county email address, Bray said he looks forward to when the board can utilize that resource to simplify the process.

“All of this now is moving us in a direction that will be beneficial to all,” he said. “Not only the local board and the county administration, but the citizens with whom we serve.”

Planning Commission chairman Richard Motley said the county recommends that board members should receive training and has notified them of upcoming opportunities in the past. He noted that it had been a few years since the last notification, though.

When Motley first joined the commission in 1991, he said he voluntarily attended FOIA training and became certified at a session in Charlottesville within his first couple years on the board. In the time since, he said he’s attended several sessions over the years to follow up on amendments to the law.

Even though it wasn’t required of him and he hasn’t had to respond to a request, Motley said he went to the training because he wanted to do “the best job” possible to represent his district.

“I feel like it’s my duty as a citizen of the county,” he said. “If it’s open and available, I feel like I should do it on my own.”

Pittsylvania County Service Authority Board of Commissioners chair Coy Harville said his onboarding process to the board 28 years ago involved a briefing on the authority’s obligations with the board’s attorney but didn’t receive training on FOIA specifically. He said he hasn’t received any since nor has he had any records requests.

Harville wasn’t certain he necessarily received many emails related to business with the service authority, but he said there should be more training on FOIA for both supervisors and board appointees.

“There really needs to be more centered on it,” said Harville. “To educate people on it and how FOIA works.”

Gernhardt said his agency offers free FOIA training throughout the year in Richmond and he travels to other areas in the state to host trainings periodically as well. He said they can range from 20 minutes to three hours depending on the circumstance.

Like the chairmen in Pittsylvania County, Gernhardt said he's found most officials and employees who attend the trainings want to know the rules so they can be in compliance.

"They want to know how to do their jobs right," he said. "And not mess it up by accident."