

Pat McCrory, Governor
Susan Kluttz, Secretary

Division of Archives and Records
Sarah E. Koonts, Director

October 29, 2013

Franklin County Officials
Honorable Patricia B. Chastain, Clerk of Superior Court
Honorable Brandi Davis, Register of Deeds
Angelia Harris, County Manager
Louisburg, NC

In August 2013, Franklin County representatives notified the Division of Archives and Records that government records from 1880s through 1969 had been stored in the courthouse basement where a leaking air conditioner caused water damage to some of the records and exacerbated mold growth in the room. On August 21, 2013, Division staff visited the Franklin County Courthouse to assess the records stored in the basement (report attached). Based on the notes collected by Tom Vincent and Carie Chesarino during the August visit and an inventory submitted to our office on October 11, 2013 by Patricia Burnette Chastain, the Clerk of Superior Court, it has been determined that a majority of the documents in the basement are financial records that are decades past the recommended period of retention. The remaining records fall under the custodianship of several county offices including the County Manager, the Register of Deeds, and the Clerk of Superior Court. Since these records belong to several county offices, no records should be removed or destroyed without prior consent from all the records custodians. Furthermore, it is the responsibility of the records custodian to apply the appropriate records retention and disposition schedules to these records in order to determine which need to be kept in agency custody permanently, which need to be destroyed, and which need to be transferred to the State Archives of North Carolina for permanent preservation. The same principle applies to the court records, with the additional consideration that these records must be listed on the Administrative Office of the Court form AOC-A-119 and faxed to Sean Bunn of the NC AOC at 919-890-1938 for approval of destruction and/or transfer to the State Archives.

What follows is a detailed listing of the records stored in the courthouse basement, the county agency responsible for the records, and disposition instruction in the current retention and disposition schedule for the office.

County Management

The following records fall under the custodianship of Angela Harris, Franklin County Manager. These records should not be moved, destroyed, or transferred without her knowledge. Disposition instructions are derived from the County Management Records Retention and Disposition Schedule, available here:

http://www.ncdcr.gov/Portals/26/PDF/schedules/schedules_revised/County_Management.pdf. Note: Tax and welfare records listed below are further subdivided.

Record Description	Disposition Instructions
Cancelled Checks, boxes 1-2; 4-5; 12-15; 17-25; 27-29; 31-40; ledgers and accordion folders [CONFIDENTIAL: checks can contain personally identifiable information including social security]	Destroy in office after 3 years. (page 22)

MAILING ADDRESS:
4615 Mail Service Center
Raleigh, N.C. 27699-4615

State Courier 51-81-20
Telephone (919) 807-7350
Facsimile (919) 715-3627

LOCATION:
215 N. Blount Street
Raleigh, N.C. 27601-2823

numbers and bank account information.]	
Deposit Receipts, box 6 [CONFIDENTIAL: bank account information.]	Destroy in office after 3 years. (page 22)
Copies of Audits	Retain reports in office permanently. Destroy in office working papers and remaining records 3 years after the date of the report. (page 22)
Audit Receipts	Destroy in office after 3 years after date of audit report. (page 22)
County Bills	Destroy in office 3 years after settlement. (page 23)
Bonds (incl. road, school and bridge)	Destroy in office 1 year from date of payment or 3 years after entire issuance has been satisfied. (page 23) The destruction of cancelled bonds is codified in G.S. 159-139
Rabies vaccination receipts (note: these are currently in 103½ Market Street)	Destroy in office after 3 years. (page 20)
Beer and liquor license receipts	Destroy in office 3 years after expiration. (page 31)

Tax Administration schedule available here:

http://www.ncdcr.gov/Portals/26/PDF/schedules/schedules_revised/County_Tax_Administration.pdf

Record Description	Disposition Instructions
Tax Receipts, boxes 3; 26; 30; unnumbered	Destroy in office after 3 years. (page 61)
Large Tax Ledgers; Township Tax Books	Transfer to the State Archives scrolls prior to 1900 and those for years ending in 0 dated after 1900 .

County Department of Social Services

Check Register Sheets Dept of Welfare, box 7; 16 [CONFIDENTIAL]	Obsolete records. Destroy.
County Welfare Department change of address forms [CONFIDENTIAL]	Obsolete records. Destroy.

Register of Deeds

The following records fall under the custodianship of Brandi Davis, Franklin County Register of Deeds. These records should not be moved, destroyed, or transferred without her knowledge. Disposition instructions are derived from the Register of Deeds Records Retention and Disposition Schedule, available here:

http://www.ncdcr.gov/Portals/26/PDF/schedules/schedules_revised/register_of_deeds.pdf

Record Description	Disposition Instructions
Chattel Mortgages	Series discontinued. Chattel mortgages satisfied prior to 1967 may be destroyed at any time. (page 37)
Marriage License health certificates (note: these are currently in 103½ Market Street) [CONFIDENTIAL]	Destroy in office immediately. (page 62)
Marriage License stub books	Records which have been transcribed or otherwise duplicated may be destroyed in office upon State Archives of North Carolina approval. (page 62)
Sale of Real Estate Receipts	Destroy in office after 3 years. (page 15)
Fee Books	Destroy in office year-end summaries of receipts and disbursements after 3 years. Destroy in office daily, monthly or quarterly transaction detail journals and ledgers after 1 year.

Poll Books	Destroy in office upon State Archives of North Carolina approval. (page 81 of County Elections schedule)
Real Estate Ledgers (blank)	Destroy in office immediately.

Clerk of Superior Court

The following records fall under the custodianship of Patricia Burnette Chastain, Franklin County Clerk of Superior Court. These records should not be moved, destroyed, or transferred without her knowledge. Disposition instructions are derived from the Rules of Recordkeeping Records Retention Schedule, available through the Clerk of Superior Court and Sean Bunn, Records Officer, Administrative Office of the Courts.

- Category A: These books are of no legal or historical value and may be destroyed at any time, upon NCAOC and State Archives approval.
- Category B: These books should be transferred to the State Archives as soon as possible, up NCAOC and State Archives approval.
- Category C: These books are to be transferred to the State Archives upon NCAOC and State Archives approval once they have reached the age specified by the disposition instructions for the individual record. (60 or 100 years) However, this transfer may occur earlier if there is a microfilm or electronic image of the records series in the clerk's office for public use.

All of the records listed below are water and mold damaged pre-Court Reform records stored in the basement of the Franklin County courthouse.

Record Description	Disposition	Instructions
Cancelled Checks, boxes 8-11	Destroy upon AOC approval	Destroy
Day book/dockets (Memorandum Civil Issues Docket)	Category A (Item 170, p 8.16)	Destroy
Fee Book, Clerk's	Category A (Item 101, p. 8.10)	Destroy
Cash Books	Category A (Item 40, p. 8.5)	Destroy
Court Dockets	"Any record book more than 100 years old should be either transferred to the State Archives or destroyed." p. 8.1	Destroy
Probate Docket Logs	Category B (Item 231, p. 8.21)	Destroy
Court Receipts; ledgers	This may be destroyed at any time, upon AOC approval (Item 37, p. 8.32)	Destroy
Bills of Costs	These may be destroyed at any time, upon AOC approval (Item 4, p. 8.28)	Destroy
Criminal Docket	Category C (Item 70, p. 8.8)	Destroy
Criminal Issues Docket, Superior Court	Category B (Item 74, p. 8.8)	Destroy
Case Files/Papers, Civil	Prior to Court Reform: These cases may be transferred to the State Archives after 60 years, upon AOC approval.	Destroy
Case Files/Papers- Misdemeanors and Felonies prior to Court Reform	For "Life or Death" cases retain permanently. For "non-Life or Death" cases they may be transferred to the State Archives after 60 years, upon AOC approval.	Destroy
Civil Action dockets	Category A (Item 47, p. 8.6)	Destroy
Civil Issues Docket	Category B (Item 48, p. 8.6)	Destroy

Lien Docket	Category A (Item 154, p. 8.15)	Destroy
Liens, Cross Index To	Category A (Item 154, p. 8.15)	Destroy
Transcripts of Judgments	These may be destroyed after 10 years, without AOC approval.	Destroy

Based on the inventory provided by the Clerk of Superior Court and notes taken by Division of Archives and Records staff, as well as the environmental assessment provided by Sarah C. West of the Administrative Office of the Courts (see attached), it is the recommendation of the State Archives of North Carolina that all records listed above be destroyed using proper protocol. The State Archives would have taken some these records in accordance with established disposition instructions. However, due to the ongoing health and safety issues these records pose to staff and the general public that have access to them, we are requesting that these records be destroyed by the county office responsible for the records. The Clerk of Superior Court will need to seek permission from Sean Bunn at NCAOC to destroy, in addition to the permission to destroy that we are granting in this letter. Please prepare an appropriate written Request for Destruction of Records Form AOC-A-119 to be faxed to the NC Administrative Office of the Courts at (919) 890-1938 prior to transferring or destroying any of the aforementioned records. Additionally, please prepare a separate Request for Destruction of Records Form AOC-A-119 to retroactively account for the transfer of records to Archives custody that has already taken place.

These records should be destroyed as soon as possible per North Carolina Administrative Code, Title 7, Subchapter M, Section .0510:

- a) burned, unless prohibited by local ordinance;
- b) shredded, or torn up so as to destroy the record content of the documents or material concerned;
- c) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned;
- d) buried under such conditions that the record nature of the documents or materials will be terminated;
- e) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold as documents or records.

Due to the health risk presented by the records in question, it is recommended that great care be taken in disposing of these records in order to prevent the further spread of mold spores.


Our agency does not typically authorize the destruction of records scheduled to come to the State Archives, however due to the health and safety issues expressed during our initial meeting with county officials (see attached report) and Ms. West's report (see attached report) detailing the mold hazard present on and around these records, we are authorizing destruction of all of the records listed above. Ms. West states in her report that "...I feel that the more these records are disturbed the more the toxins become airborne....." She goes on to state "...the records that have met their retention in accordance with the Records Retention and Disposition Schedules need to be destroyed as soon as possible. Moving the contaminated records to the clean space across the street or giving them away is only transferring the mold spores that cannot be seen with the naked eye and has the potential to contaminate the air and space around these records where ever they go." In other words, regardless of the location of these records or routine cleaning that may be attempted, these records will continue to be a health and safety issue for anyone that handles them.

The State Archives of North Carolina has taken possession of 15 boxes of civil and criminal case files, 4 volumes of Justice Dockets, Criminal Court (1960's), and 1 volume of Records of Magistrates (1880's). These records were in better condition than the records that remain in the basement. These records will be preserved by the State Archives.

In conclusion, we urge county officials to take immediate action to destroy these records. No other disposition is advised, including the donation of the records to a non-government entity for any reason. The health and safety issue concerning these records outweighs all other considerations.

If you have any questions or require additional assistance please do not hesitate contacting me by e-mail at: becky.mcgee-lankford@ncdcr.gov or by phone at 919-807-7353. You may also contact Sarah E. Koonts, Director of the Division of Archives and Records at 919-807-7339 or by e-mail at sarah.koonts@ncdcr.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca McGee-Lankford', written in a cursive style.

Rebecca McGee-Lankford
Assistant State Records Administrator
Government Records Section Manager
Division of Archives and Records
Dept. of Cultural Resources

Cc:

Patricia Burnette Chastain
Brandi Davis
Angelia Harris
Sean Bunn
Sarah Koonts