

COMMISSION HEARING RE: INQUIRY COMMITTEE DETERMINATION AND REFERRALS

Grounds for removal of District Supervisors are set forth in G.S. 139-7; any supervisor may be removed by the Commission upon notice and hearing for neglect of duty. Under 02 NCAC 59A .0301 (a), evidence of neglect of duty shall include, but is not limited to, the failure to attend three consecutive regularly scheduled district meetings, except when prevented by illness. Evidence of neglect of duty shall also include the failure of sitting Supervisors to meet training requirements set forth in 02 NCAC 59A Section .0200.

The Inquiry Committee outlined in 02 NCAC 59A .0302 met in May 2024 and has sent two supervisors to the Commission for a hearing for neglect of duty.

Non-attendance at local board meetings, Adam Lockey – Carteret SWCD:

02 NCAC 59A .0301(c) requires District boards to notify the Commission in writing of any member that has failed to attend three consecutive regularly scheduled meetings, except when prevented by illness of the Supervisor. Notification from the District shall include explanation for non-attendance and the actions that the District board has taken to address the Supervisor’s attendance.

District	Name	Explanation	Details
Carteret SWCD	Adam Lockey	Staffing difficulties	2 of 8 local meetings attended Dec 2022 – Nov 2023; 5 consecutive meetings missed, beginning February 2023

The Inquiry Committee reviewed information submitted by Supervisor Lockey (attached) and determined that there was evidence of neglect of duty. Correspondence related to this hearing was hand-delivered to Supervisor Lockey (by Carteret SWCD staff, Todd Kelly) and sent to his SWCD Board Chair.

Supplemental attendance information for 2024 submitted by the Carteret SWCD is listed below.

Meetings held	Attendance
January 2024	Lockey did not attend
March 2024	Lockey attended
April 2024	Lockey did not attend
May 2024	Lockey attended
June 2024	Lockey attended

Non-attendance at Basic Training, Guy Davenport – Washington SWCD:

02 NCAC 59A .0301(d)(1) requires the Division to submit documentation of participants in Basic Training by April 1 of each year.

Under 02 NCAC 59A .0202(a) and .0202 (b), all supervisors are required to complete Basic Training within their first year of service as an elected or appointed supervisor. For supervisors serving prior to December 2022, participation was required in 2023.

HEARING PACKET ATTACHMENT

District	Name	Elected / Appointed	Current Term	Start Month	Start Year
Washington	Guy Davenport	Elected	22-26	December	1998

Since the Rule has come into effect in March 2022, Basic Training was offered nine times; January 2023 (Cherokee), three events in February 2023 (Greenville, Wilkesboro and Raleigh), July 2023 (Raleigh), January 2024 (Durham), three events in February 2024 (Kinston, Sylva, Carthage). Correspondence was sent to Supervisor Davenport making him aware of February and July 2023 training opportunities.

The Inquiry Committee determined that there was evidence of neglect of duty for Supervisor Davenport. Correspondence related to this hearing was sent by Certified Mail to Supervisor Davenport (receipt confirmation attached) and his SWCD Board Chair.

Supervisor Failure to Attend

By rule, local districts must notify the Commission in writing of any member that has failed to attend three consecutive regularly schedule meetings, except when prevented by illness (02 NCAC 59A .0301(c)). The form below is to facilitate district compliance with this rule. Please complete all sections and contact your Regional Coordinator for assistance.

District name *

Name of supervisor that has failed to attend meetings *

Number of regularly scheduled meetings missed consecutively *

Date of first meeting missed (month/year) *

Reason for non-attendance (if prevented due to illness of the supervisor, reporting not required) *

Mr. Lockey works on a large farming operation and due to a major loss of a key partner this has affected his ability to attend meetings on a regular basis.

Actions the district board has taken to address attendance (the Commission has guidelines to encourage participation in their District Supervisor Removal Guidance) *

Board Chairman Ricky Taylor has encouraged Mr. Lockey to try to improve attendance in the upcoming year.

Contact name for questions regarding this submittal *

Todd Kelly

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Update



Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Division of Soil and Water Conservation

David B. Williams
Director

Via Certified Mail: 7022 0410 0003 1130 4990

April 11, 2024

Adam Lockey
Carteret SWCD
489 Newport Loop Road
Newport, NC 28570

Dear Supervisor Lockey,

Thank you for your service as a Soil and Water Conservation District Supervisor.

As you are aware, North Carolina Administrative Code (NCAC) 59A .0301 requires all District boards to notify the Commission in writing of any member that has failed to attend three consecutive regularly scheduled meetings, except when prevented by illness of the Supervisor. Notification from the District shall include explanation for non-attendance and the actions that the District board has taken to address the Supervisor's attendance.

Because the Commission has been notified of your lack of attendance from December 1, 2022 through November 30, 2023, the matter has been referred to the Commission's Inquiry Committee established pursuant to Commission Rule 02 NCAC 59A .0302. A copy of the Commission's Rules can be found on the Division's website at <https://www.ncagr.gov/divisions/soil-water-conservation/district-supervisors/supervisor-training#ProgramRules-2204>. Your District has reported that you missed five consecutive meetings beginning in February 2023; two of eight meetings were attended during reported timeframe.

Pursuant to Commission Rule 02 NCAC 59A .0302, this letter is being sent to you to request that you provide a written explanation to the Inquiry Committee regarding your lack of participation in local meetings. **The requested explanation must be provided within 30 days of receipt of this letter.** Please be aware that this request is your opportunity to provide in writing any information that you would like the Inquiry Committee to consider as part of its deliberation, so you are strongly encouraged to respond within the required timeframe. The written information may be mailed to:

NCDA&CS Division of Soil & Water Conservation
Attn: Director David Williams
1614 Mail Service Center
Raleigh, North Carolina 27699-1614

After reviewing your written explanation, the Inquiry Committee may: (1) refer the Supervisor to a hearing by the Commission; or (3) Determine that a hearing is unnecessary, and the matter will be closed without further action. Commission Rule 02 NCAC 59A .0302(d). Once the Inquiry Committee has reviewed the written information before it, you will be notified of its determination.

MAILING ADDRESS
Division of Soil and Water Conservation
1614 Mail Service Center
Raleigh, NC 27699-1614

Telephone: 919-707-3770

LOCATION
Division of Soil and Water Conservation
216 West Jones Street
Raleigh, NC 27603

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In making any determination, the Inquiry Committee shall take into consideration hardship including illness, financial and familial obligations, and circumstances beyond the control of the Supervisor.

Thank you for your leadership and your continued service as a District Supervisor.

Sincerely,



David B. Williams, Director
NCDA&CS DSWC

Cc: Carteret Soil and Water Conservation District
Kristina Fischer, NCDA&CS DSWC

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To who it may concern

I Appalagise for my Absences. They were all do to my work schedule. Carteret County is the largest County in the state. The Farm I work for is at one end and meetings are at the other end. I have spoken with Mr. Temple my boss And he has Agreed to let me leave early for our meetings. I looked forward to serving my County this year Thank you for your time.

Sincerely
Cobbly
District Supervisor



Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Division of Soil and Water Conservation

David B. Williams
Director

Via Certified Mail: 7022 3330 0001 6488 7080

May 17, 2024

Adam Lockey
Carteret SWCD
489 Newport Loop Road
Newport, NC 28570

Dear Supervisor Lockey,

Thank you for your continued service as a Soil and Water Conservation District Supervisor.

As you are aware, pursuant to Rule 02 NCAC 59A .0301, the Soil and Water Conservation Commission received a report indicating that you had failed to attend three consecutive meetings of the Carteret County Soil and Water District meetings during the period beginning December 1, 2022 through November 30, 2023, and the matter was referred to the Commission's Inquiry Committee. By letter dated April 11, 2024, notice was sent notifying you of the referral and of your opportunity to provide documentation for the Committee's consideration, which you provided on May 10, 2024. Your District also reported that you missed five consecutive meetings beginning in February 2023; two of eight meetings were attended during the reported timeframe.

The Committee met on May 14, 2024, and based on the information before it, including your letter, the Committee found that a neglect of duty had occurred and referred the matter to the full Commission for a hearing pursuant to Rule 02 NCAC 59A .0302.

The hearing is scheduled to occur during the Commission's Work Session at the following location, date, and time:

Soil & Water Conservation Commission Work Session
Tuesday, July 23, 2024 at 7:00 p.m.
Gov. James G. Martin Building, NC State Fairgrounds Gate 9
4285 Trinity Road
Raleigh, North Carolina 27607

Pursuant to Rule 02 NCAC 59A .0301(h), you will be given an opportunity to address the Commission at the hearing and to provide any information to it that might be relevant to the matter. While you are encouraged to attend in person if you are able, you may also attend remotely via Microsoft Teams through a link that will be provided prior to the meeting. Please note that the manner in which you choose

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Lockey - Inquiry Committee Decision
May 17, 2024
Page 2 of 2

to attend, whether in-person or remotely, will not be held against you and no negative inferences will be drawn from it. However, please also be aware that the failure to attend the hearing may be considered evidence by the Commission that you have no objection to being removed pursuant to Rule 02 NCAC 59A .0301. A copy of the Commission's Rules can be found on the Division's website at <https://www.ncagr.gov/divisions/soil-water-conservation/district-supervisors/supervisor-training#ProgramRules-2204>.

Please let the Division know of your intent to participate and additional meeting details will be communicated. Communication can be sent to david.b.williams@ncagr.gov and kristina.fischer@ncagr.gov.

Finally, please note that the Committee's determination is not a final decision and that you continue to serve as a District Supervisor, along with the full rights, duties, and responsibilities of your position, unless and until the Commission makes a final determination on this matter. As such, you are strongly encouraged to ensure that you comply with the requisite attendance requirements for district meetings.

Should you have any questions, please feel free to contact me. You should not, however, contact any member of the Commission to discuss the matter prior to the hearing and any written documentation or information you would like to submit prior to it should be directed to my attention and it will be provided to the Commission prior to the hearing.

Thank you for your continued service as a District Supervisor.

Sincerely,



David B. Williams, Director
NCDA&CS DSWC

Cc: Carteret Soil and Water Conservation District Chair, Richard Glenn Taylor
Kristina Fischer, NCDA&CS DSWC

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Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Division of Soil and Water Conservation

Vernon N. Cox
Director

January 27, 2023

Guy Davenport
Washington SWCD
63 White Road
Creswell, NC 27928

Dear Supervisor Davenport,

Thank you for your service as a local soil and water conservation district supervisor.

In March 2022, 02 NCAC 59A .0202 was adopted by the NC Soil and Water Conservation Commission, requiring all Supervisors to complete Basic Training. Participation in this required course shall be completed within the first year of service as an elected or appointed Supervisor. For Supervisors that are re-elected in December 2022 that have not previously participated in this required course, participation is required in 2023.

The Division does not have a record of your completion of Basic Training.

The Division wants to make you aware of the opportunity for you to complete the Basic Training requirement in the coming weeks. Supervisors who complete the Basic Training course offered on any of the following dates will also receive six hours of supervisor training credits:

1. Tuesday, February 7, 2023, in Greenville, North Carolina
2. Tuesday, February 21, 2023, in Wilkesboro, North Carolina
3. Tuesday, February 28, 2023, in Raleigh, North Carolina

Registration information and course details are available on the Division website - https://www.ncagr.gov/SWC/professional_development/UNCSOG.html. Please work with your district staff or NCASWCD Executive Director, Bryan Evans (ncaswcd@gmail.com or 252.814.4404) to register to participate in one of these training opportunities.

Thank you for your leadership and your service as a local soil and water conservation district supervisor.

Sincerely,

Vernon N. Cox, Director

Cc: Gerda Rhodes, Washington SWCD Chair
Eric Pare – NCDA&CS DSWC

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Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Division of Soil and Water Conservation

Vernon N. Cox
Director

April 25, 2023

Guy Davenport
Washington SWCD
63 White Road
Creswell, NC 27928

Dear Supervisor Davenport,

Thank you for your service as a local soil and water conservation district supervisor.

In March 2022, 02 NCAC 59A .0202 was adopted by the NC Soil and Water Conservation Commission, requiring all Supervisors to complete Basic Training. The Division wants to make you aware of the opportunity for you to complete the Basic Training requirement this summer; this is likely to be the last opportunity the course will be offered in 2023 with the next course offered in January 2024. Supervisors who complete the Basic Training course will also receive six hours of supervisor training credits:

- Tuesday, July 11, 2023, at the NCDA&CS Agronomic Building, 4300 Reedy Creek Road, Raleigh NC

Registration is open at the following link - <https://fs3.formsite.com/ncdswc/gdwibu0jni/index>; the draft agenda is also included. Please work with your district staff or NCASWCD Executive Director, Bryan Evans (ncaswcd@gmail.com or 252.814.4404) to register to participate in this training opportunity.

Thank you for your leadership and your service as a local soil and water conservation district supervisor.

Sincerely,

Vernon N. Cox, Director

Cc: Washington SWCD office
Eric Pare – NCDA&CS DSWC

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Raleigh, NC 27603

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Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Division of Soil and Water Conservation

David B. Williams
Director

Via Certified Mail: 7022 0410 0003 1130 5249

August 9, 2023

Guy Davenport
Washington SWCD
63 White Road
Creswell, NC 27928

Dear Supervisor Davenport,

Thank you for your service as a Soil and Water Conservation District Supervisor.

As you are aware, North Carolina Administrative Code (NCAC) 59A .0202 which became effective in March 2022, requires all district supervisors to complete Basic Training for Soil and Water Conservation District Supervisors. Participation in this required course shall be completed within the first year of service as an elected or appointed Supervisor. For Supervisors serving prior to December 2022, participation shall be required in 2023.

Five Basic Training courses were offered by the Association in 2023; we anticipate that the next course will not be offered until 2024. Because the Division does not have documentation of your participation in the Basic Training course, the matter has been referred to the Soil and Water Conservation's Inquiry Committee established pursuant to Commission Rule 02 NCAC 59A .0302. A copy of the Commission's Rules can be found on the Division's website at https://www.ncagr.gov/SWC/professional_development/SupervisorTrainingProgram.html.

Pursuant to Commission Rule 02 NCAC 59A .0302, this letter is being sent to you to request that you provide a written explanation to the Inquiry Committee regarding your lack of participation in Basic Training. **The requested explanation must be provided within 30 days of receipt of this letter.** Please be aware that this request is your opportunity to provide in writing any information that you would like the Inquiry Committee to consider as part of its deliberation, so you are strongly encouraged to respond within the required timeframe. The written information may be mailed to:

NCDA&CS Division of Soil & Water Conservation
Attn: Director David Williams
1614 Mail Service Center
Raleigh, North Carolina 27699-1614

After reviewing your written explanation, the Inquiry Committee may: (1) refer the Supervisor to a hearing by the Commission (2) Determine that basic or continuing training requirements be extended by one year; or (3) Determine that a hearing is unnecessary, and the matter will be closed without further action. Commission Rule 02 NCAC 59A .0302(d). Once the Inquiry Committee has reviewed the written information before it, you will be notified of its determination.

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LOCATION
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216 West Jones Street
Raleigh, NC 27603

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Please note that the Inquiry Committee is not slated to meet until after the first Monday in December (December 4, 2023), and that in making any determination, the Inquiry Committee shall take into consideration hardship including illness, financial and familial obligations, and circumstances beyond the control of the Supervisor.

Thank you for your leadership and your continued service as a District Supervisor.

Sincerely,



David B. Williams, Director
NCDA&CS DSWC

Cc: Washington Soil and Water Conservation District
Eric Pare, NCDA&CS DSWC

MAILING ADDRESS

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Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Division of Soil and Water Conservation

David B. Williams
Director

Via Certified Mail: 7022 0410 0003 1130 4983

April 4, 2024

Guy Davenport
Washington SWCD
63 White Road
Creswell, NC 27928

Dear Supervisor Davenport,

Thank you for your service as a Soil and Water Conservation District Supervisor.

As you are aware, North Carolina Administrative Code (NCAC) 59A .0202 which became effective in March 2022, requires all district supervisors to complete Basic Training for Soil and Water Conservation District Supervisors. Participation in this required course shall be completed within the first year of service as an elected or appointed Supervisor. For Supervisors serving prior to December 2022, participation was required in 2023.

Because the Division does not have documentation of your participation in the Basic Training course, the matter has been referred to the Soil and Water Conservation's Inquiry Committee established pursuant to Commission Rule 02 NCAC 59A .0302. A copy of the Commission's Rules can be found on the Division's website at <https://www.ncagr.gov/divisions/soil-water-conservation/district-supervisors/supervisor-training#ProgramRules-2204>.

Pursuant to Commission Rule 02 NCAC 59A .0302, this letter is being sent to you to request that you provide a written explanation to the Inquiry Committee regarding your lack of participation in Basic Training. **The requested explanation must be provided within 30 days of receipt of this letter.** Please be aware that this request is your opportunity to provide in writing any information that you would like the Inquiry Committee to consider as part of its deliberation, so you are strongly encouraged to respond within the required timeframe. The written information may be mailed to:

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Raleigh, North Carolina 27699-1614

After reviewing your written explanation, the Inquiry Committee may: (1) refer the Supervisor to a hearing by the Commission (2) Determine that basic or continuing training requirements be extended by one year; or (3) Determine that a hearing is unnecessary, and the matter will be closed without further action. Commission Rule 02 NCAC 59A .0302(d). Once the Inquiry Committee has reviewed the written information before it, you will be notified of its determination.

MAILING ADDRESS
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1614 Mail Service Center
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Telephone: 919-707-3770

LOCATION
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216 West Jones Street
Raleigh, NC 27603

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In making any determination, the Inquiry Committee shall take into consideration hardship including illness, financial and familial obligations, and circumstances beyond the control of the Supervisor.

Thank you for your leadership and your continued service as a District Supervisor.

Sincerely,



David B. Williams, Director
NCDA&CS DSWC

Cc: Washington Soil and Water Conservation District
Eric Pare, NCDA&CS DSWC

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Raleigh, NC 27699-1614

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LOCATION

Division of Soil and Water Conservation
216 West Jones Street
Raleigh, NC 27603



Steve Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Division of Soil and Water Conservation

David B. Williams
Director

Via Standard Mail and Certified Mail: 7022 3330 0001 6488 7097

May 17, 2024

Guy Davenport
Washington SWCD
63 White Road
Creswell, NC 27928

Dear Supervisor Davenport,

Thank you for your service as a Soil and Water Conservation District Supervisor.

As you are aware, pursuant to Rule 02 NCAC 59A .0301, the Soil and Water Conservation Commission received a report indicating that you had failed to complete the Basic Training for Soil and Water Conservation District Supervisors required by Rule 02 NCAC 59A .0202, which you were required to attend during 2023, and the matter was referred to the Commission's Inquiry Committee. By letters dated August 9, 2023, and April 4, 2024, notice was sent informing you of the referral and of your opportunity to provide documentation or other information for the Committee's consideration. No documents or information were received.

The Committee met on May 14, 2024, and based on the information before it, the Committee found that a neglect of duty had occurred and referred the matter to the full Commission for a hearing pursuant to Rule 02 NCAC 59A .0302.

The hearing is scheduled to occur during the Commission's Work Session at the following location, date, and time:

Soil & Water Conservation Commission Work Session
Tuesday, July 23, 2024 at 7:00 p.m.
Gov. James G. Martin Building, NC State Fairgrounds Gate 9
4285 Trinity Road
Raleigh, North Carolina 27607

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Davenport – Inquiry Committee Decision
May 17, 2024
Page 2 of 2

Pursuant to Rule 02 NCAC 59A .0301(h), you will be given an opportunity to address the Commission at the hearing and to provide any information to it that might be relevant to the matter. While you are encouraged to attend in person if you are able, you may also attend remotely via Microsoft Teams through a link that will be provided prior to the meeting. Please note that the manner in which you chose to attend, whether in-person or remotely, will not be held against you and no negative inferences will be drawn from it. However, please also be aware that the failure to attend the hearing may be considered evidence by the Commission that you have no objection to being removed pursuant to Rule 02 NCAC 59A .0301. A copy of the Commission’s Rules can be found on the Division’s website at <https://www.ncagr.gov/divisions/soil-water-conservation/district-supervisors/supervisor-training#ProgramRules-2204>.

Please let the Division know of your intent to participate and additional meeting details will be communicated. Communication can be sent to david.b.williams@ncagr.gov and kristina.fischer@ncagr.gov.

Finally, please note that the Committee’s determination is not a final decision and that you continue to serve as a District Supervisor, along with the full rights, duties, and responsibilities of your position, unless and until the Commission makes a final determination on this matter.

Should you have any questions, please feel free to contact me. You should not, however, contact any member of the Commission to discuss the matter prior to the hearing and any written documentation or information you would like to submit prior to it should be directed to my attention and it will be provided to the Commission prior to the hearing.

Thank you for your continued service as a District Supervisor.

Sincerely,



David B. Williams, Director
NCDA&CS DSWC

Cc: Washington Soil and Water Conservation District Chair, Gerda Rhodes
Eric Pare, NCDA&CS DSWC

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<p>1. Article Addressed to:</p> <p>Guy Davenport Washington SWCD 63 White Road Creswell, NC 27928</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>7022 0410 0003 1130 5249</p>	<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>



Dawn B. Williams
 NC Department of Agriculture & Consumer Services
 Division of Soil & Water Conservation
 1614 Mail Service Center
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<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Kay Davenport</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Kay Davenport</i> C. Date of Delivery <i>5/20/24</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><i>GUY DAVENPORT</i> <i>63 WHITE ROAD</i> <i>CRESWELL, NC 27928</i></p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>2. Article Number (Transfer from service label)</p> <p>9590 9402 6638 1028 3311 97</p>	<p>PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt</p>