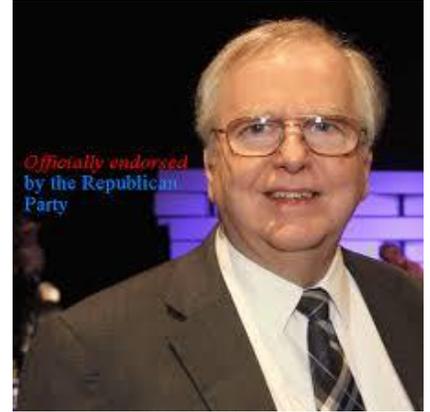


# North Carolina Candidate Profile

## Sidney “Chuck” Kitchen NC Court of Appeals

**“He does not believe in discrimination. He is very sensitive because he is a minority himself.”  
Chuck Kitchen on his white client, Sheriff Terry Johnson who had been accused of  
unconstitutionally targeting the Latinx community in Alamance County.**

*Sidney “Chuck” Kitchen is a GOP-affiliated attorney who has worked as both the Alamance County Attorney and the Durham County Attorney and currently works at a private law practice in Chapel Hill, Stark Law Group. He is currently the town attorney for Holly Ridge. **The Stark Law Group is the law group often used by the NCGOP. Thomas Stark alleged, on behalf of Pat McCrory, that voter malfeasance occurred in Durham during the 2016 election. The allegations were disproved, but delayed election results.***



***Kitchen has been pictured getting cozy with Republican leaders; he attended Dan Forest’s birthday party and has been photographed with Thom Tillis and Tim Moore.***

*Kitchen represented Alamance sheriff Terry Johnson when Johnson was accused of targeting the Hispanic community through discriminatory checkpoints and ethnic slurs. **Kitchen defended Johnson by citing his supposed Cherokee ancestry and said individuals in the case had their own “ax to grind” with the sheriff. He noted that Johnson was “very sensitive” and doesn’t tolerate discrimination, yet the judge in the case noted that jail officers under Johnson’s supervision targeted minorities with ethnic slurs. Kitchen was paid at least \$357,360 by Alamance County for representing Johnson.***

***Kitchen was removed from his position as Durham County Attorney because of a conflict that was triggered by a developer’s lawsuit. The lawsuit alleged that Kitchen “interceded in a matter outside his authority” and got involved in a Jordan Lake dispute at a planning director’s request.***

***As the attorney for Durham County, Kitchen was embroiled in multiple issues involving animal control, Durham County Schools, same-sex marriage, and guns. Kitchen was accused of “usurping the animal control board’s power” by increasing the pet licensing fee without board input.” He said Durham County didn’t need anyone’s permission to start charging schools for essential services like water and sewer and dismissed a lawsuit two men filed after their marriage license was rejected. As the Durham County Attorney, Kitchen said the “guns, especially pistols, are designed to shoot and kill people.”***

## Summary

***Kitchen, as well as being the town attorney for Holly Ridge, works with the Stark Law Group in Durham, the firm often employed by the NCGOP. Not surprisingly, Kitchen is close with several NC Republican leaders***

- *Kitchen works for the Stark Law Group in Durham, the group that has sued on behalf of the NCGOP and Thomas Stark filed on behalf of McCrory alleging voter fraud in Durham that was later disproved and resulted in delayed vote counts.*
- *Kitchen attended Dan Forest's birthday party and was photographed with Thom Tillis and Tim Moore.*
- *Kitchen is the town attorney for Holly Ridge.*

***Kitchen defended Alamance County sheriff Terry Johnson, citing his supposed Cherokee ancestry, when Johnson was accused of targeting the Hispanic community through discriminatory checkpoints and ethnic slurs***

- *The ACLU alleged that Johnson discriminated against Hispanic members of the community through law enforcement tactics like traffic checkpoints and ethnic slurs from jail officers.*
- *In response, Kitchen claimed the Johnson was "very sensitive" and doesn't tolerate discrimination, citing Johnson's alleged Cherokee Indian ancestry.*
- *Kitchen was paid at least \$357,360 Alamance County to represent Johnson and said each of the individuals in the case had their own "ax to grind" with the sheriff.*

***Kitchen was removed from his position as Durham County Attorney because of a conflict that was triggered by a developer's lawsuit.***

- *A lawsuit alleged that Kitchen "interceded in a matter outside his authority" and got involved in a Jordan Lake dispute at a planning director's request.*
- *Kitchen was removed from his position because of a conflict involving a boundary around Jordan Lake.*

***As the attorney for Durham County, Kitchen was embroiled in multiple scandals involving animal control, Durham County Schools, same-sex marriage, and guns.***

- *Kitchen was accused of "usurping the animal control board's power" by increasing the pet licensing fee without board input."*
- *Kitchen said Durham County didn't need anyone's permission to start charging schools for essential services like water and sewer.*
- *Two men filed a lawsuit in Durham County after their marriage license was rejected and Kitchen filed a motion to dismiss the lawsuit.*
- *As the Durham County Attorney, Kitchen said the "guns, especially pistols, are designed to shoot and kill people."*

**Kitchen, the town attorney for Holly Ridge, also works for the Stark Law Group in Durham, which was the firm the NCGOP used to delay vote counts in 2016; Kitchen has been pictured getting cozy with NCGOP leaders like Dan Forest, Thom Tillis, and Tim Moore.**

**Kitchen worked for the Stark Law Group, which filed allegations of voter “malfeasance” that were later disproved.**

**Kitchen worked for Stark Law Group in Durham.** “On Monday night, Town Council members met in closed session with the independent investigator hired to look into the complaint. The council previously voted to spend up to \$40,000 on that work, and hired Chuck Kitchen of Stark Law Group in Durham.” (Charlotte Observer, 3/20/12)

Name	Address	Profession	Employer	Committee	Date	Amount
SIDNEY CHUCK 'CHUCK' KITCHEN	6011 FARRINGTON RD CHAPEL HILL NC 27517	ATTORNEY		KITCHEN FOR COURT OF APPEALS COMMITTEE	3/20/18	30000
CHUCK KITCHEN	502 MAIN ST. EXT. UNIT 110 SWANSBORO NC 28584	ATTORNEY	STARK LAW GROUP, PLLC	MOORE REC	1/30/18	85
CHUCK KITCHEN	502 Main St Ext Unit 110 Swansboro NC 28584	ATTORNEY	Stark Law Group PLLC	CHARLOTTE MECKLENBURG RW	11/27/17	150

(NC State Board of Elections, retrieved [10/11/18](#))

**Thomas Stark of the Stark Law Group sued to demanded a recount of votes cast on or before Election Day, on behalf of the NCGOP.** “In a formal complaint to the Durham County Board of Elections, Thomas Stark, the attorney for the North Carolina Republican Party on Saturday demanded a recount of votes cast on and before Election Day, citing a counting error involving 90,000 ballots. Thomas Stark, general counsel for the GOP and a Durham County voter, filed the protest with the Durham County Board of Elections, alleging malfeasance in regard to the accuracy of the count. In the complaint, Stark says the county used data from potentially corrupt tabulation machines from five early voting sites and one general election precinct.” (WRAL, [11/12/16](#))

**A Durham election official answered that “we have seen no evidence whatsoever” that there’s any inaccuracy.** “I would like everybody to know that we, as of today, and I say this absolutely with no hesitation, we have seen no evidence whatsoever that there’s any inaccuracy or any problem with any of the returns that were reported on Election Day,” Brian said at a news conference on Tuesday. “We have no reason to believe that the returns that came back on the paper tapes are in any way inaccurate or any different than they would have been had the cards read into the machines read properly.” The elections board will hold a Wednesday hearing to determine if Stark’s protest is justified and a recount is needed.” (WRAL, [11/15/16](#))

**Durham was one of over 50 counties in which the McCrory campaign and Republicans filed complaints alleging ballots were cast by “dead people, felons, and people who voted in other**

**states” that were used as a tactic to delay vote counts.** “The rule is being considered in the aftermath of the November election and the close race between Republican Gov. Pat McCrory and Democrat Roy Cooper. Republicans filed complaints in more than 50 counties alleging ballots were cast by dead people, felons, and people who voted in other states. Most of those complaints were dismissed, but they helped delay vote counts.” (News & Observer, [7/31/17](#))

**These allegations, which were later disproved, resulted in the elections board creating stiffer guidelines to allege voter fraud.** “The elections board staff listened to testimony about a bundle of proposed rule changes at a public hearing Monday. In addition to the rule on protests, other changes propose to give the elections executive director power to put remedial measures in place when natural disasters or wars disrupt elections. Other proposed changes address curbside voting, election observers, and the return of absentee ballots.” (News & Observer, [7/31/17](#))

**Kitchen has been pictured getting cozy with top Republican leaders.**

**Kitchen attended Lt. Governor Dan Forest’s birthday party.** (Facebook, [10/19/17](#))



**Kitchen was photographed with Senator Thom Tillis.** (Facebook, [9/17/17](#))



**Kitchen was photographed with House Speaker Tim Moore and John Bolton.** (Facebook, [2/20/18](#))



**Kitchen is the town attorney for Holly Ridge.**

**Kitchen is the town attorney for Holly Ridge.** “In the race for N.C. Court of Appeals seat 3, Swansboro resident Chuck Kitchen is one of three candidates for the seat held by retiring Appeals Court Judge Rick Elmore. Kitchen has practiced law 37 years and currently serves as town attorney for Holly Ridge and as general counsel for the Onslow Water and Sewer Authority.” (Daily News, 7/6/18)

**Kitchen was paid at least \$357,360 to defend Alamance County sheriff Terry Johnson when his office was accused of targeting the Hispanic community through discriminatory traffic stops and ethnic slurs; Kitchen defended Johnson using his supposed Cherokee ancestry.**

**The ACLU alleged that Johnson targeted Hispanic residents with unconstitutional law enforcement including traffic stops where racial profiling occurred and that some of Johnson’s jail officers used ethnic slurs.**

**Kitchen represented Alamance County sheriff Terry Johnson in a case against the ACLU over Johnson’s agency engaging in unconstitutional law enforcement against Hispanics.** “Judge Thomas Schroeder dismissed the government’s civil lawsuit against Alamance County Sheriff Terry Johnson. Justice Department attorneys failed to demonstrate that Johnson’s agency engaged in a pattern of unconstitutional law enforcement against Hispanics, the judge ruled. The government had alleged Johnson’s deputies routinely targeted Latinos for traffic stops. A statistical study commissioned by the DOJ said the Alamance County Sheriff’s Office was as much as 10 times more likely to stop Hispanic drivers for traffic infractions than non-Latino drivers. But that evidence fell short since government attorneys failed to point to anyone who was mistreated, Schroeder wrote in a 253-page ruling issued nearly a year after he presided over a trial without a jury. Not a single person testified that any ACSO employee carried out any alleged improper directive or otherwise violated any individual’s constitutional rights, Schroeder wrote. (AP, 8/8/15)

**The ACLU of NC said they had received complaints about Johnson and his deputies’ treatment of Hispanic residents for years; some jail officers even used ethnic slurs.** “Indeed, all witnesses, including those called by the Government, denied that they ever did or knew any ACSO officer who did. DOJ spokeswoman Dena Iverson said the agency was disappointed in the ruling and will review it before deciding whether to appeal. The American Civil Liberties Union of North Carolina said it and other groups had received complaints about Johnson, his deputies, and their treatment of Latinos for years. We urge the Department of Justice to appeal this miscarriage of justice in order to ensure all Alamance County residents can again have confidence in their Sheriff’s department, ACLU staff

attorney Carolyn Caicedo Manrique said in a statement. Schroeder didn't entirely absolve Johnson's agency, noting some jail officers targeted minorities with ethnic slurs, which the judge called offensive and reprehensible activity that should not be tolerated in any civil society, much less in a law enforcement environment. Johnson's agency also didn't effectively track the selection of traffic checkpoints and lacked reviews of who was being stopped and what good those stops did, Schroeder said. The absence of a finding of a violation of federal law should not be construed as approval of the status quo, and such matters deserve immediate attention, the judge wrote. Johnson only found out about the conduct of some jailers during depositions leading up to the trial and put new policies in effect to prevent a repeat in the future, said his attorney, Chuck Kitchen. The sheriff does not tolerate any discrimination against anyone, Kitchen said, adding that Johnson has Cherokee Indian ancestry." (AP, 8/8/15)

**Johnson was accused of issuing an order to arrest Hispanics at a checkpoint.** "Defense attorney Chuck Kitchen began his closing arguments by saying the DOJ has failed to show a practice by the Sheriff's Office of unlawfully targeting Latinos. Kitchen mentioned the Green Level checkpoint in 2008, where Johnson allegedly said to target Hispanics. He said the checkpoint was actually in Haw River and the sheriff never went there. Kitchen said also the Social Security numbers that Chief Deputy Tim Britt got from David Smith, county manager at the time and now chairman of the county commissioners, and gave to Cpl. Jeffrey Randleman to check were a nonissue because today, all prospective employees' Social Security numbers are checked. The accusation that Johnson issued an order over central communications to arrest Hispanics at a checkpoint is false, Kitchen said. Kitchen said this accusation was based on rumors and there were no witnesses presented during trial to testify they heard the statement." (News & Record, 8/23/14)

**The lawsuit against Johnson was for Johnson's agency violating constitutional provisions for equal protection under the law and against illegal search and seizure.** "Roselle was the DOJ's final witness Monday before it rested its case against Johnson and the sheriff's office. The agency argues Johnson and officers here violated constitutional provisions for equal protection under the law and against illegal search and seizure, targeting Hispanics for arrest. Johnson has repeatedly denied the allegations. Monday was the fifth day of his trial in federal court. Johnson's defense, led by Chuck Kitchen and Karlene "Honey" Turrentine, will begin putting on evidence this morning in the Hiram H. Ward Federal Building in downtown Winston-Salem." (News & Record, 8/19/14)

**In response, Kitchen claimed that Johnson was "very sensitive" and doesn't tolerate discrimination, citing Johnson's alleged Cherokee Indian ancestry.**

**Kitchen claimed Johnson doesn't "tolerate any discrimination against anyone" and noted that Johnson has a Cherokee Indian ancestry.** "Johnson only found out about the conduct of some jailers during depositions leading up to the trial and put new policies in effect to prevent a repeat in the future, said his attorney, Chuck Kitchen. "The sheriff does not tolerate any discrimination against anyone," Kitchen said, adding that Johnson has Cherokee Indian ancestry. The Justice Department said Johnson targeted Latinos to boost deportations after his agency in 2007 began participating in the federal 287(g) program, which trained local law enforcement officers to perform immigration checks. Hispanics arrested in the county were then automatically referred to investigators at U.S. Immigration and Customs Enforcement for potential deportation, the government said. ICE cut short its agreement with Alamance County in 2012." (AP, 8/7/15)

**Kitchen said Johnson was "very sensitive because he is a minority himself."** "Johnson's attorney, however, said the allegations are not true, saying the sheriff is sympathetic to minorities because he is of Cherokee descent. "He does not believe in discrimination. He is very sensitive because he is a minority himself," attorney Chuck Kitchen said. The DOJ also said an Alamance County captain sent his "his subordinates a video game premised on shooting Mexican children, pregnant women, and other 'wetbacks.'" (WCNT, 3/4/14)

**Kitchen was paid at least \$357,360 for representing Johnson by Alamance County and said the individuals in the case had their own “ax to grind” with the sheriff.**

**Kitchen was paid at least \$357,360 for representing Johnson by Alamance County.** “A breakdown in mediation between Alamance County Sheriff Terry Johnson and the U.S. Justice Department means legal costs in the case will continue to grow as the case goes to trial in August. Alamance County Finance Officer Tom Manning said the county has spent \$357,360 from 2011 through May 31 on Johnson’s defense. The payments have been made to attorney Chuck Kitchen of the Turrentine Law Firm, who is representing Johnson in the lawsuit. The county has budgeted \$150,000 for 2014-15 toward Johnson’s legal defense against the DOJ lawsuit. The case is scheduled to begin Aug. 4 in federal court in Winston-Salem. The DOJ estimated a trial could last as long as five weeks.” (News & Record, 6/19/14)

**Kitchen said each of the individuals in the case had their own “ax to grind” with the sheriff as shown by the facts.** ““The Sheriff has not directed his officers to ‘target’ Latinos as alleged by the Plaintiff,” Kitchen’s motion stated. Many current and former deputies testified that they did not engage in racial profiling, Kitchen stated in the motion, nor were they aware of anyone at the Sheriff’s Office who did engage in racial profiling. Kitchen also stated that Johnson relies on the training of his officers to provide guidance on probable cause and reasonable suspicion on making vehicle stops. “The credibility of the individuals who claim Sheriff Johnson made the remarks and gave discriminatory directives is in question,” Kitchen’s motion stated. “Each of the individuals has his own ‘ax to grind’ with the Sheriff as shown by the facts.” Kitchen’s motion also stated that “the allegations that Sheriff Johnson has made statements evidencing personal bias against Latinos are either taken out of context or misrepresented. It should first be noted that Sheriff Johnson does not claim to be a skilled orator or an attorney. While some of his statements may not sound politically correct taken out of context, that does not imply that the Sheriff has a bias against Latinos.” Kitchen stated, “The allegations the Plaintiff makes are either contested by several different witnesses, or taken out of context to attempt to make innocent remarks appear discriminatory.”” (News & Record, 4/10/14)

**Kitchen was removed from his position as Durham County Attorney because of a conflict that was triggered by a developer’s lawsuit.**

**Kitchen was removed from his position as Durham County Attorney.** “Acknowledging the decision was triggered by a developer’s lawsuit, County Commissioners on Monday removed County Attorney Chuck Kitchen from office effective immediately. Kitchen had previously announced that he would retire Nov. 30. The change followed a lengthy closed-door commissioners’ meeting.” (Herald Sun, 8/4/09)

**Kitchen was removed from his position as Durham County Attorney because of “the conflict that arose over the complaint that was filed by the Southern [Durham] Development company.”** ““Chuck’s earlier-than-planned departure is necessary because of the conflict that arose over the complaint that was filed by the Southern [Durham] Development company in its recent lawsuit with the county,” Page said. “Unfortunately, when the county attorney cannot advise the board regarding a lawsuit, none of the deputy or assistant county attorneys who work for him can either,” Page continued. “It presents a really very unique situation and the contract that our board adopted today solves that dilemma.”” (Herald Sun, 8/4/09)

**Kitchen was the Durham County Attorney when Durham County was battling over whether to accept a privately funded survey’s placement of Jordan lake’s boundary.** “Survey lines aren’t usually the stuff of political controversy, but 2009 was no ordinary year for Durham County government or for the future of south Durham near Jordan Lake. County Commissioners battled for much of the year on whether to accept a privately funded survey’s placement of the lake’s boundary far enough to the west to remove watershed-buffer restrictions from a 165-acre tract along N.C. 751. The dispute cost

former County Attorney Chuck Kitchen his job, and led in October to a 3-2 rezoning vote by commissioners that was intended to formalize an administrative ruling made more than three years before by former City/County Planning Director Frank Duke.” (Herald Sun, 12/27/09)

**A lawsuit alleged that Kitchen “interceded in a matter outside his authority” and got involved in a Jordan Lake dispute at a planning director’s request.**

**The lawsuit alleged that Kitchen “interceded in a matter outside his authority.”** “But lawyers from the RTP firm of K&L Gates, which is representing Southern Durham Development, argued that Kitchen had in essence sided with project opponents against their client. Their lawsuit alleged that Kitchen, following Reckhow’s orders as former commissioners chairwoman, interceded in a matter outside his authority and had threatened to recommend the dismissal of County Manager Mike Ruffin and other officials if they didn’t follow his lead. Page’s allusion to the lawsuit and potential conflict-of-interest issues was unusual because the developer’s lawsuit, though critical of Kitchen, stopped short of naming him as a defendant.” (Herald Sun, 8/4/09)

**Kitchen allegedly got involved in the Jordan Lake dispute at the planning director’s request.** “As to the Jordan Lake dispute, Medlin in an interview said Kitchen got involved at the planning director’s request when questions surfaced last summer about the mapping issue. “If anybody, blame me,” he said. Medlin said he, Kitchen and other officials concluded last summer that former Planning Director Frank Duke didn’t follow state rules when in early 2006 he accepted a developer-funded survey that moved the lake’s boundary. The attorney backed what Medlin said was his own preliminary opinion on the matter.” (Herald Sun, 8/4/09)

**As the attorney for Durham County, Kitchen was embroiled in multiple scandals involving animal control, Durham County schools, same-sex marriage, and guns.**

**Kitchen was accused of “usurping the animal control board’s power” by increasing the pet licensing fee without board input.**

**Kitchen was accused of “usurping the animal control board’s power by, among other things, increasing the pet licensing fee without the board’s input and forcing animal control to return dangerous animals to their owners” in Durham County.** “Willis accused Kitchen of usurping the animal control board’s power by, among other things, increasing the pet licensing fee without the board’s input and forcing animal control to return dangerous animals to their owners. Kitchen, reached at his office this week, said “The board [of commissioners] raised the licensing fee on its own. I had nothing to do with that. ... Hell, we ’on’t tell them what to do. We give legal advi”e.” Efforts to reach County commissioners Ellen Reckhow and Becky Heron were unsuccessful, but in an e-mail to Durham veterinarian Philip McHugh, Heron wrot“, “I am sorry that Kim Willis resigned from Animal Control Advisory Committee. ... She always puts the best interest of animals and people fir”t.”” (News & Observer, 7/22/06)

**Kitchen said Durham County didn’t need anyone’s permission to start charging schools for essential services like water and sewer.**

**Kitchen said Durham County didn’t need anyone’s permission to start charging schools for essential services like water and sewer.** “Their efforts have been so successful that two counties recently decided to sidestep the legislature. In 2003, Durham County commissioners voted to begin charging the fees without state approval. Granville County followed suit in last year. Durham County Attorney Chuck Kitchen said the county do’sn’t need any’ne’s permission. State law allows counties to charge homeowners fees for essential services such as water and sewer. Schools, he said, are no different. Former Durham Mayor Nick Tennyson sees a crucial distinction from typical service fees. A

home builder paying a water fee gets a pipeline in exchange, but a schools fee can be spent anywhere in the school district, he argues.” (News & Observer, 5/13/06)

**Two men filed a lawsuit in Durham County after their marriage license was rejected and Kitchen filed a motion to dismiss the lawsuit.**

**Two men filed a lawsuit in Durham County after their marriage license was rejected and Kitchen filed a motion to dismiss the lawsuit.** “The couple filed the initial lawsuit in late March after Durham County Register of Deeds Willie L. Covington rejected their application for a marriage license. Durham County Attorney Chuck Kitchen then filed a motion to dismiss the lawsuit, saying the men should have filed it in Superior Court because they were attempting to force a public official to act.” (Herald Sun, 6/24/04)

**As the Durham County Attorney, Kitchen said the “guns, especially pistols, are designed to shoot and kill people.”**

**Kitchen said “Guns, especially pistols, are designed to shoot and kill people.”** “The Durham County Commissioners decided not to sue the gun industry Monday after their attorney told them it would be like suing a car company after a driver runs a red light. County Attorney Chuck Kitchen said a lawsuit probably would be a waste of time. Citing failed attempts in courts around the country, he said a local government in North Carolina might succeed in suing gun manufacturers only if there were documented cases of injuries from gun malfunction“. "Part of it is that a gun is doing what it is designed to do," Kitchen said at a commissioners work session. "Guns, especially pistols, are designed to shoot and kill people." He said the "causal relationship" of product liability is broken when a criminal act occurs, and he predicted a lawsuit quickly would be dismissed." (Herald Sun, 1/4/00)

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