

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. _____

_____)	
JUSTINE JONES,)	
)	
Plaintiff,)	
)	
v.)	COMPLAINT
)	(Jury Trial Demanded)
NORTH CAROLINA DEPARTMENT)	
OF STATE TREASURER and DALE)	
FOLWELL, in his individual capacity,)	
)	
Defendants.)	
_____)	

Plaintiff, Justine Jones, brings this action under Title VII of the Civil Rights Act of 1964, § 2000e *et seq.*, 42 U.S.C. § 1981 and 42 U.S.C. § 1983. Plaintiff alleges that she was denied a position in retaliation for having engaged in protected activity.

I. INTRODUCTION AND JURISDICTION

1. This is an action seeking legal and equitable relief under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* as amended. Plaintiff brings this action against Defendant alleging a violation of Title VII of the Civil Rights Act of 1964, as amended, and alleges that she was retaliated against by being denied employment for engaging in protected activity.

2. This action is also brought under 42 U.S.C. § 1981 and 42 U.S.C. § 1983 against Dale Folwell (“Folwell”) in his personal capacity. Plaintiff alleges that Folwell retaliated against her by denying her employment with the Town of Spring Lake and issuing a press release expressly disapproving of Plaintiff’s prior protected activity.

3. Jurisdiction of the Court is invoked pursuant to 28 U.S.C. § 1343, this being a proceeding to enforce rights and remedies secured under Title VII. Jurisdiction is also conferred upon this Court by 42 U.S.C. § 2000(3), *et seq* and 28 U.S.C. § 1331.

4. Jurisdiction is further invoked pursuant to 28 U.S.C. §§ 2201 and 2202, this being an action for declaratory judgment declaring illegal the act Defendant complained of herein which violated rights secured to the Plaintiff by Title VII.

5. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) as a substantial part of the events giving rise to the claims occurred within this district.

II. PARTIES

6. Plaintiff is an African-American female resident of Pasquotank County, North Carolina.

7. Dale Folwell, white male, is the former Treasurer of the State of North Carolina. The North Carolina Department of State Treasurer, Local Government Commission (“LGC”), is a North Carolina agency established by the General Assembly and is an employer within the meaning of Title VII. The State Treasurer heads the North Carolina Department of State Treasurer and in that capacity oversees and chairs the LGC which has a statutory duty to monitor the financial well-being of units of local government.

8. The LGC was established to address fiscal problems in local governments. The LGC is chaired by the State Treasurer. The Secretary of that Commission is appointed by the State Treasurer. The State Treasurer serves as the Director of the Department’s State and Local Government Finance Division (“SLGFD”).

III. FACTS

9. Plaintiff is an African-American female who, at the time of the actions complained of herein, had over fourteen years of public administration experience.

10. On or about October 5, 2021, the LGC assumed full control of Spring Lake's financial affairs. On or about November 2, 2021, Spring Lake's fiscal year 2021-2022 Budget Ordinance was amended to authorize the Secretary of the LGC and the Town's Finance Officer to take any actions, including executing and delivering any agreement or other document on behalf of the LGC that may be necessary for collecting Town receipts or expending Town funds, including approving contracts and conducting the Town's day-to-day business.

11. In July 2022, the position of Town Manager for Spring Lake was advertised. Plaintiff applied for the position of Town Manager for Spring Lake in September 2022. After receiving responses to their advertisements, the Interim Town Manager of Spring Lake forwarded the resumes of two candidates to staff members of SLGFD. Plaintiff was selected by the Town Council as its preferred candidate.

12. On October 11, 2022, the Town Council voted to hire Plaintiff as the Town Manager. Plaintiff was very well qualified for the position in terms of work experience, education and ability.

13. At the time of Plaintiff's application, Spring Lake was under the direct financial control of the State of North Carolina. Specifically, Spring Lake's finances were under the control of the LGC (a State agency operating under the State Treasurer). The State Treasurer at the time, Dale Folwell, effectively controlled the LGC.

14. Two days after the Town of Spring Lake voted to hire Plaintiff as the Town Manager, Folwell announced through an interview with ABC11 News, and subsequently a press release on the State Treasurer's official government website that he would not permit Spring Lake

to hire Plaintiff expressly and specifically because she had previously sued her former employer for racial and sex discrimination and retaliation. He expressed concern to the effect that Plaintiff might do the same thing if hired by Spring Lake.

Specifically, the press release read:

“New and unsettling information has come to light about the past employment history of the individual who was offered the job. That information does not generate confidence that she is the right fit at this time to lead Spring Lake It has since been learned that Jones also had a rocky employment relationship with Richland County, South Carolina. After Richland County terminated her employment, Jones filed an Equal Employment Opportunity Commission complaint that was dismissed and then sued the County.”

15. The press release’s phrase “rocky employment relationship” contained a hyperlink to an opinion piece which contained numerous false, misleading and derogatory statements about Plaintiff’s previous EEOC charge and Title VII lawsuit, and included racially charged language, including that Plaintiff had blatantly played the race card.

16. That press release remained on the State Treasurer’s official website through November 11, 2022.

17. On December 7, 2022, the LGC officially notified the Town of Spring Lake by letter that it would not approve Plaintiff’s hiring, citing false and pretextual reasons.

18. As a result of the actions of the State Treasurer and the LGC, Plaintiff’s offer for the position of Town Manager at Spring Lake was rescinded. Further, Plaintiff subsequently engaged in a rigorous search for other employment after she was not allowed to work for Spring Lake. The negative publicity created by the State Treasurer’s comments negatively impacted her ability to find comparable work.

19. As a result of the actions of the State Treasurer and the LGC, Plaintiff has suffered tremendous economic loss and emotional distress.

IV. CLAIMS FOR RELIEF

First Cause of Action – Title VII Retaliation

20. Plaintiff hereby incorporates Paragraphs 1 through 19 above.

21. Plaintiff engaged in protected activity when she filed a Charge of Discrimination against her former employer, Richland County, South Carolina. The State Treasurer unequivocally and expressly disapproved of Plaintiff's prior protected activity and publicly stated this disapproval in writing on his official government website. He stated that disapproval as the reason that he would not approve the Town of Spring Lake's decision to hire Plaintiff as Town Manager. His blatant actions constituted retaliation for Plaintiff's previous protected activity. But for Plaintiff's engagement in the protected activity, she would not have been denied the position at the Town of Spring Lake by the State Treasurer.

22. Defendant's actions constitute a violation of Title VII. Defendant retaliated against Plaintiff when it refused to allow her to be hired because of her former protected activity. Defendant also retaliated by participating in an interview with a major news network and issuing the press release condemning her protected activity. These actions were materially adverse, caused significant harm, and would dissuade a reasonable person from engaging in protected activity under Title VII.

Second Cause of Action – Retaliation under 42 U.S.C. §§ 1981 and 1983

23. Plaintiff realleges and incorporates Paragraphs 1 through 22 above.

24. Defendant Folwell's actions violate 42 U.S.C. §§ 1981 and 1983. He took actions to reject Plaintiff's application for the position of Town Manager of Spring Lake. His actions were unequivocal in stating the basis for his decision. Plaintiff had engaged in protected activity by filing a Charge of Discrimination with the EEOC and subsequently filing a lawsuit against her

former employer. She was denied employment with Spring Lake as a result of Folwell's actions. This adverse employment action was causally related to her prior protected activity.

25. At all times relevant to this matter, Folwell served as the Treasurer of the State of North Carolina, an elected position and headed the North Carolina Department of State Treasurer who was acting under color of state law. Two days after it was reported that Spring Lake had voted to hire Plaintiff, he made public statements and issued a press release expressly condemning Plaintiff for exercising her right to complain about racially discriminatory treatment and retaliation under 42 U.S.C. § 1981 and 42 U.S.C. § 1983. These actions were materially adverse, caused significant harm, and would dissuade a reasonable person from engaging in protected activity. As head of the LGC, he caused that body to officially communicate to Spring Lake that it could not hire Plaintiff for the position of Town Manager. Folwell's actions were in bad faith and resulted in damage to Plaintiff.

V. DAMAGES

26. As a result of the discrimination complained of herein, Plaintiff has been deprived of her rights protected by Title VII and 42 U.S.C. §§ 1981 and 1983.

27. By reason of Defendants' conduct and proximate result thereof, Plaintiff has suffered loss of employment, loss of benefits, and loss of enjoyment of life and has suffered emotional distress.

28. Plaintiff has suffered damages, including economic damages and emotional distress.

VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES

29. Plaintiff filed a Charge of Discrimination, 433-2023-01287, with the Equal Employment Opportunity Commission of the North Carolina Office of Administrative Hearings,

Civil Rights Division (Employment Discrimination Section) on February 3, 2023. The Equal Employment Opportunity Commission issued a determination, finding that the North Carolina Department of State Treasurer had retaliated against her by declining to approve the hiring of the Plaintiff by the Town of Spring Lake, a North Carolina municipality over which the Department of State Treasurer had financial control, which included the power to hire the Town Manager. The EEOC issued its determination that the North Carolina Department of the State Treasurer had retaliated against Plaintiff. The matter was referred to the United States Department of Justice which issued a right to sue letter upon Plaintiff's request on May 22, 2025. Plaintiff is filing this action within ninety (90) days of receipt of the right to sue letter.

VII. JURY TRIAL DEMANDED

30. Plaintiff hereby demands a trial by jury.

VIII. PRAYER FOR RELIEF

31. Wherefore, Plaintiff prays that the retaliation alleged herein be remedied in full and that the Court, after a jury trial:

- (1) Declare the actions complained of herein to be illegal;
- (2) Issue an injunction enjoining Defendant, its agents, employees; successors, attorneys and those acting in concert or participation with Defendant and at its direction, from engaging in the unlawful practices set forth herein and any other employment practice to be shown in violation of Title VII of the Civil Rights Action of 1964, as amended;
- (3) Award Plaintiff compensatory damages against Defendant Folwell in his individual capacity, including damages for mental anguish and stress, and harm to Plaintiff's career opportunities;

- (4) Award Plaintiff back pay and all other economic damages to provide make whole relief;
- (5) Award Plaintiff her costs and expenses in this action, including reasonable attorney's fees, costs and other litigation expenses;
- (6) Grant such other and further relief as may be just and necessary to afford complete relief to Plaintiff.

This 18th day of August, 2025.

/s/ Geraldine Sumter

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