

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

BEVERLY EAVES PERDUE
GOVERNOR

January 6, 2010

MEMORANDUM

TO: Governor Perdue

FROM: Edwin M. Speas

A handwritten signature in black ink, appearing to read "EMS", written over the name "Edwin M. Speas".

On August 26, 2009, you asked a bipartisan panel of distinguished citizens and lawyers to serve as your special counsel to investigate Governor Easley's missing 2005 travel records. Justice Willis Whichard, Judge Ralph Walker, and Senator Robert Morgan have now completed their task. Their report of their findings is enclosed. With your permission, they have included with their report for release to the public the investigative report of this incident conducted by the Highway Patrol in May 2009.

Consistent with your commitment to make State government more transparent and accountable, Secretary Young revised the procedures for reporting and maintaining your travel records last year to assure that those records are preserved and protected for the future.

EMS:mrl

Enclosure



MEMORANDUM

Moore&VanAllen

January 5, 2010

To: The Honorable Beverly Eaves Perdue, Governor of North Carolina

From: Senator Robert B. Morgan, Judge Ralph A. Walker and Justice Willis P. Whichard

Re: **Investigation of the Missing 2005 Travel Records of Former Governor Michael F. Easley**

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By telephone calls to each of us on August 26, 2009, you requested that we, collectively, serve as special counsel to you, in your capacity as Governor of the State of North Carolina, to investigate the question of the missing 2005 travel records of your predecessor in the Office of Governor, Michael F. Easley. By letter dated September 2, 2009, addressed to the three of us, you formalized the appointments and thanked us for our service.

Your General Counsel, Edwin M. Speas, and your Secretary of Crime Control and Public Safety, Reuben Young, generously offered themselves and their staffs for any staff assistance we might need. They have been consistently responsive, cooperative and facilitative, and we are grateful both for their assistance and the spirit in which it has been given.

You indicated in your calls, and Mr. Speas and Secretary Young later confirmed, that the missing 2005 travel records were to be the sole focus of our inquiry. You also indicated, however, that if this inquiry led to other relevant information, we had free rein to pursue it. We have, in fact, limited our investigation to the missing 2005 travel records. Nothing surfaced to merit an expanded inquiry.

We commenced our work on the endeavor almost immediately. On August 31, 2009, we met with Mr. Speas and Secretary Young in Mr. Speas' office. They provided us with a briefing and an overview of our task. We learned from them that the key actors in the matter were Ms. Diane Bumgardner, who holds a clerical position with the State Highway Patrol's Executive Protection Unit ("EPU") and Captain J. A. Melvin, a patrol officer assigned to the EPU during the Easley administration. We were informed that Captain Melvin had retained legal counsel, Jack O'Hale of Smithfield and Doug Parsons of Clinton, and that we thus would have to work through them to interview him. To the best of anyone's knowledge, Ms. Bumgardner did not have counsel. This proved to be an accurate assessment; when we interviewed her, she was not represented.

We were promised any assistance Mr. Speas and Secretary Young could give us in accessing any information that might be available from law enforcement sources. The possibility that the EPU computer might still contain the missing records was discussed. It was indicated that the computer was in the hands of the Federal Bureau of Investigation ("FBI").

Mr. Speas and Secretary Young recommended that we commence by interviewing Lt. Alvin H. Batchelor, the officer in charge of record keeping for the State Highway Patrol, for the purpose of acquiring a general understanding of the Patrol's methods of keeping records on executive travel. For this purpose, we met with Lt. Batchelor on September 1, 2009.

Lt. Batchelor indicated that Captain J. A. Melvin had designed the form for recording the Governor's itineraries, that the form is designated as HP-1, and that it is the only form the Highway Patrol uses for this purpose. As to the records in question, the Patrol had interviewed Ms. Diane Bumgardner, a clerical employee in the EPU, about the missing travel records. Ms. Bumgardner had stated that, per Capt. Melvin's instructions, she had downloaded the records and given them to him. She said she had never been asked to delete anything; that she was asked to download the travel records for 2003, 2004 and 2005 onto a disk to "free up" space on the computer; and that she did this and gave the disk to Capt. Melvin.

It was noted that the EPU employees were out of the Governor's Mansion at the time as it was being renovated, and that this could be a factor in the failed effort to locate the missing travel records. Capt. Melvin was quoted as saying he did not recall what had happened to the disk, but that he did not have it. He had checked his files and could not find any Governor's events on a disk. He had no idea why these particular travel records would have been eliminated. He did not believe Governor Easley was doing anything different in 2005 than at other times and had no idea why the particular times would have been deleted from the records.

Although our inquiry focused primarily on the subject of Governor Easley's flights on private planes, we reviewed the N.C. Department of Commerce records regarding his flights on its planes for the year 2005 for the sole purpose of ascertaining whether they might provide clues to records regarding his flights on private planes. We found them unrevealing in this regard.

On September 29, 2009, we interviewed Diane Bumgardner. She described for us the logistics of Governor's events outside Wake County. She indicated that the duties of the EPU are essentially the same from Governor to Governor. Previously, she stated, she was not aware of a policy regarding the retention of travel records. She indicated that she has one now.

She indicated that all these records are kept on a network drive, not her personal computer. She reiterated what she had stated to the personnel conducting the Patrol's internal investigation, namely, that Capt. Melvin was attempting to "free up" space on the computers. He told her to, and she did, "burn" a disk with the 2003, 2004 and 2005 Governor's travel records. These were for both State events and campaign events. It was her opinion that the Patrol's Technical Services Unit ("TSU") had probably asked Capt. Melvin to clear the computers. It never occurred to her that there was anything unusual about Capt. Melvin's request.

She understands that it was the hard drive that Capt. Melvin took to Governor Easley, but she does not know what happened to the disk. She indicated that she could not reconstruct anything from the records.

She simply deleted the records from the network. She did not know whether they could be retrieved from archives. It is her view that it was simply "a housekeeping thing."

She knew of no travel on the part of Governor Easley during this period about which he might have wanted to suppress information. He had just been re-elected and did virtually no campaigning in 2005. She indicated that there were three "campaign events" during that year. It was her view that her office was not required to keep such records, so there were no public records law violations.

On October 14, 2009, we interviewed Capt. J. A. Melvin. He was accompanied by one of his attorneys, Doug Parsons. He indicated that he was in charge of the EPU detail during the relevant period. He had no recollection of having asked Ms. Bumgardner to remove the records and put them on a disk. He indicated, however, that the "cleaning up" of the computer to "free up" space sounds like something he would have done.

He did recall a point at which a disk was made and given to him. To the best of his recollection it remained at the EPU detail. He was in the process of closing out that segment of his career and going into the Technical Services Unit at the time, and he indicated this could have had an effect on his capacity for recall during that time. Capt. Melvin stated that he would have had no reason to ask Ms. Bumgardner to delete files from her personal computer. He thought all of the travel records for 2003, 2004 and 2005 were on disks and at the Mansion when he left.

He also stated that it was Governor Easley's personal laptop computer that he took to him at his personal residence after Easley had left the Governor's office. The computer was purchased through Rebecca McGee, who worked for Davis (Dave) Horne, who was the Governor's Finance Chair. Capt. Melvin went by her office and picked it up. It was there, he stated, to "sync it up" to a provider.

Capt. Melvin noted that there is an Executive Protection Filing Guide, and that it contains a retention schedule which says "destroy in office after two years." The records from 2005 thus could have been destroyed at any time beginning in 2007, and this would have accorded with the policy set forth in the Filing Guide.

Capt. Melvin had no idea how travel reporting to Governor Easley's Campaign Committee was accomplished. He said the patrol personnel sent campaign mileage to Secretary Bryan Beatty of the Department of Crime Control and Public Safety. He did not know where this information went from there. It was his view that no state law or regulations required the Patrol personnel to keep these records as they did. What they did, he said, was "self-initiated to be better organized."

He knew of nothing different about their record-keeping practices during 2005 from other years, and he questioned whether Governor Easley even knew of their practices. The forms were generated from information obtained from the Governor's office and, again, were all "self-initiated." No records of any kind were involved when he delivered the personal computer to Governor Easley. It was "brand new out of the box."

Capt. Melvin wanted us to understand that he was "all business" in his dealings with the Governor. It was his job to make sure that the Governor and his party got from one point to another safely and on a timely basis. When the Governor asked him why he did not play golf or discuss NASCAR with him, he told the Governor he was his protector, not his friend.

He indicated that he has a high comfort level on technological matters, so much so that he acquired the nickname "Inspector Gadget." Rebecca McGee from Davis Horne's office thus called him in on computer matters. The truth is, he said, the Governor "was wearing him out." He understood, however, why he was asked to assist with computer matters.

Capt. Melvin reiterated that he does not remember getting a disk from Diane Bumgardner. If he received one, he said, he would have put it in the desk drawer in the basement of the Governor's Mansion where such items were kept.

When he left the detail at the Governor's Mansion on April 30, 2007, he would have left whatever records were in the Mansion there at that time. There was no investigation then. There was no reason, other than an archival one, to have a disk with these records. He would not have taken any archival material with him when he left.

Capt. Melvin reiterated that he did not recall asking anyone to delete files from a computer, but that if he did, any such records would have been left in the desk at the Mansion. So far as he knows, any such records are still there.

Capt. Melvin stated that neither the Governor nor Mrs. Easley ever asked him to do anything unethical, immoral or untruthful. He questions whether Governor Easley even knew that these forms and records existed. He stated that he had no reason to cover up anything for Governor Easley. He was there for protection, not for socializing.

Subsequent to our interview with Capt. Melvin, there was some delay in our endeavor as we awaited the results of the FBI's check of the computer on which the travel records were kept. It was thought that there was a possibility that the records would still be found on Ms. Bumgardner's office computer. The computer was in the hands of the FBI. We preferred to have any information available from it before attempting to interview Governor Easley, whom we viewed as the last of the potential interviewees who might have knowledge as to the location of the records.

Ultimately, we were advised that the FBI had turned the computer over to the SBI because the SBI was in a better position to give attention to the question of whether the travel records could be found on it. When we learned that the SBI had concluded its work without success in locating the records, we scheduled interviews on the same day with the appropriate SBI officials and with Governor Easley.

The SBI officials, Randy Myers and John Dilday, met with us on December 16, 2009. They traced the chain of custody of the computer from the FBI to them. Although such records can be deleted and still be findable, they indicated that they made an exhaustive search for the travel records and did not find them. Agent Dilday compared it to removing a card from the card catalog in a library while the book is still on the shelf. He further indicated, however, that as time goes on, and other items override entries, they are less likely to find things.

All the SBI officials could tell us is that the SBI has a copy of the drive that the FBI gave it. The FBI personnel involved would have been "well-trained to make the copy," and the SBI has the first lab to be accredited for processing such digital evidence. They thus had confidence in their conclusions.

We also met with former Governor Michael F. Easley on December 16, 2009, prior to meeting with Mr. Myers and Mr. Dilday from the SBI. At the time Governor Easley was represented by attorney Richard T. (Rick) Gammon. Mr. Gammon did not appear with the Governor. He had expressly consented, through Justice Whichard, to our interviewing the Governor in his absence. There thus was no violation of Rule 4.2 of the N.C. State Bar Rules of Professional Conduct, which prohibits communication with a represented party without the consent of the attorney.

Governor Easley indicated that he really did not know that the SHPEPU kept such records. He let us know that the EPU would not allow him, Mrs. Mary Easley or their son, Michael, to go out alone. In the beginning he did so occasionally, but they would follow him. After the national events of September 11, 2001, they "tightened up" further.

Governor Easley and his family treated the patrolmen assigned to them like family. They took the view that if they were going to be there together, they should have fun together.

The Governor did not think the "outlog" was very accurate. It would often show him as out, but fail to show it when he was back in the Mansion. He indicated that events were often changed or cancelled, particularly political events, and that as a consequence he doubted that the records were always precisely accurate.

While he had assumed that some kind of event form was kept, he never attended scheduling meetings and was unaware of the details of how these matters were handled. Like the other interviewees, Governor Easley mentioned that it was an interesting time because it was when he and

his family had moved out of the Mansion to allow its renovation. This, in his opinion, could have had something to do with what happened to the records. He reiterated that he had no knowledge of how these records were kept or who was their custodian.

He stated that if he made a trip that involved both official and political matters, either his campaign fund or the Democratic Party would pay half the expenses.

The only disk he received, and he does not recall from whom, was a disk containing his personal contact list (names, addresses, other contact information).

What he recalls was Capt. Melvin having brought him a computer without a monitor and nothing else. It was a desktop and was his old campaign computer. He had planned to take it when he left, but it said "State of North Carolina" on the back, so he left it there. It had been on the shelf with the Highway Patrol since 2005 (it was not altogether clear to us, but it was our impression that he had taken two computers with him from the Governor's Mansion, both after he left there to resume living in his private residence: one an old campaign computer, and another a new one that Capt. Melvin had brought to him.)

There were no issues as to personal travel in 2005 that he was aware of. The issue first came to his attention in October 2008 when the New & Observer called wanting to know if McQueen Campbell had been paid for the flights the Governor took with him. At that time the Governor tried to reach Davis Horne, who was his campaign treasurer. (Ms. Bumgardner, as noted above, had referred to Horne as the Governor's Finance Chair. We noted the discrepancy, but did not consider it substantively significant to our inquiry.) Davis' wife was in the hospital at the time having a C-Section delivery, and he was unable to reach him. He reached McQueen Campbell, and Campbell indicated that he had been reimbursed for every flight. They were not specific about the dates of these flights. The Governor learned later (while attending the ACC Basketball Tournament in 2009) that Campbell's records had been subpoenaed.

He came back to the fact that 2005 was "a crazy year," one in which they were in and out of the Governor's Mansion in terms of their living arrangements and trying to get a budget passed in terms of statecraft.

It was his view that if anything is amiss, it is simply a mistake on someone's part. To his knowledge, he has no records regarding his 2005 travels. He was somewhat surprised that they had become an issue in that the private flights usually occur in election years. 2005 was not an election year; and while he did some campaigning in 2006, it was an election with no Presidential, U.S. Senate, or Governor's race, and therefore a less demanding one. 2005 was an off-year entirely, so there was not much reason for him to do anything in the way of travel on private flights.

CONCLUSIONS

In executing the task assigned to us, we looked as thoroughly as we knew how, but did not find the records. Nor did we find substantial and credible evidence of intentional wrongdoing on anyone's part in their disappearance or destruction. We found Governor Easley's statement that he was not aware that such records were kept credible and supported by the statements of the other personnel involved. While it is, of course, possible that it is not true, we can point to nothing that would enable someone to prove it false.

We found Ms. Bumgardner to be a very credible witness. We believed her story to the effect that she burned a disk with the travel records and gave it to Capt. Melvin. While we found minor inconsistencies in Melvin's statements to us and those he made in the Patrol's internal investigation, we could not point to any significant evidence that would prove, or tend to prove, his statements to be false. Suspicions about this matter will inevitably linger, but serious action, criminal or otherwise, cannot rest on mere suspicion.

As to the computer, we satisfied ourselves, to the extent possible, that the chain of custody went from the EPU at the Governor's Mansion to the FBI, and then to the SBI. The SBI, which made the ultimate determination, indicated that it had been unable to obtain the records. We have no basis for proving that to be incorrect, or even so suspecting. The SBI appears to have fulfilled its duties in the matter with the utmost ability and integrity.

There is little, if any, doubt that these records were deleted from the EPU computer and placed on a disk. What happened to that disk appears indeterminable, but, as indicated, we have found no evidence, direct or circumstantial, that would establish or even point toward an intentional hiding or destruction of the records. The more likely conclusion is that the records, when disposed of, were not yet a subject of controversy and thus were not regarded as particularly significant, and that their misplacement was a product of carelessness rather than malicious intent. But again, nothing produced by our extensive inquiry permits a firm and indisputable conclusion.

We reviewed the internal report of the Highway Patrol, and it does not identify the whereabouts of the records. With your permission, we are releasing it to the public as a part of this report.

In sum, while we found minor inconsistencies in the stories about the records, we did not find the records themselves or any clear indication of wrongdoing in their disappearance or destruction.

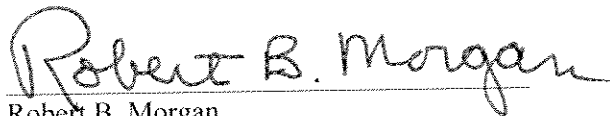
To the best of our knowledge, we have exhausted the possibilities but failed to produce definitive answers and bring closure to the matter.


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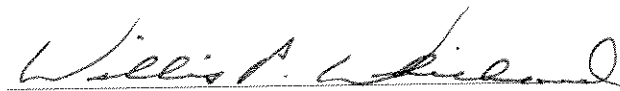
We are grateful for the confidence you placed in us by requesting that we perform this service for you and the people of North Carolina, and we appreciate your service and assistance, and your staff's, to us and to them.

SIGNATURES FOLLOW ON NEXT PAGE

This the 5th day of January, 2010.


Robert B. Morgan


Ralph A. Walker


Willis P. Whichard

Beverly Eaves Perdue
Governor
Reuben F. Young
Secretary
Walter J. Wilson, Jr.
Colonel



North Carolina
Department of Crime Control and Public Safety
State Highway Patrol

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Raleigh, NC 27699-4702

13 July 2009

MEMORANDUM

TO: LIEUTENANT COLONEL W. R. GLOVER

FROM: MAJOR W. R. SCOTT *WRS*

RE: COMPLAINT MADE BY CAPTAIN P. A. POOLE AGAINST CAPTAIN J. A. MELVIN, REGISTRY #2168 (IA-09-055)

I have reviewed the Report of Investigation (HP-721), and the supporting documents, in the above-referenced matter. Having done so, I am of the opinion that the Serious Personal Conduct violation of Directive N^o. H.1, Section VII (Truthfulness) on the part of Captain J. A. Melvin is not substantiated.

Therefore, it is my recommendation that Captain Melvin should be exonerated as a result of this investigation.

WRS/bwt

Attachment



An Internationally
Accredited Agency

Law Enforcement Oath of Honor

On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution, my community, and the agency I serve.

Beverly Eaves Perdue
Governor
Reuben F. Young
Secretary
Walter J. Wilson, Jr.
Colonel



North Carolina
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State Highway Patrol

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15 July 2009

MEMORANDUM

TO: MAJOR W. R. SCOTT

FROM: LIEUTENANT COLONEL W. R. GLOVER *WRG*

**RE: COMPLAINT MADE BY CAPTAIN P. A. POOLE AGAINST CAPTAIN
J. A. MELVIN, REGISTRY #2168 (IA-09-055)**

I have reviewed the Report of Investigation (HP-721), and the supporting documents, in the above-referenced matter. Having done so, I concur with your opinion that the Serious Personal Conduct violation of Directive N^o. H.1, Section VII (Truthfulness) on the part of Captain J. A. Melvin is not substantiated.

Based upon the evidence of record, Captain J. A. Melvin is exonerated of this complaint.

WRG:bwt

cc: Captain P. A. Poole
Major G.D. Hayes
Captain J. A. Melvin



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Law Enforcement Oath of Honor

On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution, my community, and the agency I serve.

North Carolina
State Highway Patrol

REPORT OF INVESTIGATION

TYPE OF REPORT	SUBJECT	REPORT SUBMITTED TO	
<input checked="" type="checkbox"/> Personnel Complaint	Complaint of Captain P. A. Poole 4702 Mail Service Center Raleigh, NC 27699	Name	Lieutenant Colonel W. R. Glover
<input type="checkbox"/> Incident / Other		Date	JUL 13 2009
INVESTIGATIVE STATUS	Against Captain J. A. Melvin, Registry #2168 IA-09-055 State Highway Patrol Technical Services Unit Garner, NC	INVESTIGATED BY	
<input checked="" type="checkbox"/> Initial		Name	Captain P. A. Poole <i>PAP</i>
<input type="checkbox"/> Supplementary		Name	Lieutenant J. A. Cotton <i>JAC</i>

INTRODUCTION

A Personnel Complaint (HP-307) was filed against Captain J. A. Melvin, Technical Services Unit, State Highway Patrol, Garner, North Carolina, by Captain P. A. Poole.

It is alleged that Captain Melvin provided misleading statements to the News and Observer when asked about his contact with former Governor Michael Easley.

Captain P. A. Poole, Unit Commander of Internal Affairs, classified this complaint as a Serious Personal Conduct Violation of Directive No. H.1, Section VII (Truthfulness), on the part of Captain Melvin.

Captain Poole and Lieutenant J. A. Cotton began an investigation into the complaint on 13 May 2009.

Not applicable

INTERVIEW OF COMPLAINANT(S)

Not applicable

INTERVIEW OF WITNESS(ES)

Colonel Walter J. Wilson Jr.

On Thursday, 4 June 2009, Captain P. A. Poole and Lieutenant J. A. Cotton interviewed Colonel Walter J. Wilson Jr. at Highway Patrol Headquarters in Raleigh, North Carolina.

Colonel Wilson began the interview by discussing the entire sequence of events that led to the eventual complaint against Captain J. A. Melvin.

In late January 2009 or early February 2009, Captain R. E. Clendenin contacted Colonel Wilson and indicated that Andy Curliss from *The News and Observer* had made a records request for Governor Easley's travel and flight records from the Executive Protection Detail. Colonel Wilson recalled that

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Captain Clendenin kept him apprised of the status of the records request because there were a lot of records to locate and copy.

In late February 2009, Colonel Wilson said that Mr. Curliss told the Patrol that some of the travel records were missing. During this same time frame, Captain Clendenin had a conversation with Mr. Curliss where he was asked about a visit that Captain Melvin made to Governor Easley's private residence in Raleigh. Colonel Wilson was told that Captain Melvin was in civilian clothes, carrying a box, and driving his father's vehicle. Mr. Curliss even gave the tag number on the vehicle.

Late on the afternoon of 10 March 2009, Colonel Wilson called Captain Melvin to find out more about the Executive Protection Detail, how it operates, and how it tracks flights and data. Colonel Wilson said that this was a very general conversation about the Detail's operations. Captain Melvin told Colonel Wilson about how flights were tracked. Commerce flights were tracked on a Commerce form. Private flights, or flights other than commerce, were tracked on a form modified by Captain Melvin. This form was not an official Highway Patrol form.

Captain Melvin indicated that OA-IV Debra Tingen helped complete and keep track of these flight forms during 2004, an election year. Ms. Tingen eventually retired. OA-IV Diane Bumgardner came to the Detail and helped complete and track these forms. Captain Melvin relayed that there were not a lot of these private flights and quit using the "Private" flight form after the election year. Captain Melvin relayed to Colonel Wilson that these forms were filed and maintained electronically on computers.

Colonel Wilson stated that he had a phone interview with Andy Curliss on or around 16 March 2009. Captain Clendenin was present when Colonel Wilson was interviewed by Mr. Curliss. Mr. Curliss told Colonel Wilson that he or someone else had seen Captain Melvin at Governor Easley's private residence. Mr. Curliss also emphasized that the Highway Patrol had not turned over all of the travel forms from the Executive Protection Detail.

After the interview with Mr. Curliss, Colonel Wilson said that he requested Lieutenant A. H. Batchelor to conduct a forms review as part of his duties with the Inspection Unit. Colonel Wilson wanted Lieutenant Batchelor to look at how the Executive Protection Detail was documenting flights and how they were retaining the information. Colonel Wilson also wanted Lieutenant Batchelor to ensure that the Patrol had a copy of everything that the Detail had relating to Governor Easley's travel so that it could all be turned over to *The News and Observer*.

When Lieutenant Batchelor started his forms review, Colonel Wilson stated that he learned that there were two forms, a flight itinerary form and a Governor's Events form. Neither form was a Highway Patrol form. Colonel Wilson said that Captain Melvin never mentioned the Governor's Events forms during their conversation on 10 March 2009.

Colonel Wilson also told Lieutenant Batchelor to interview all current and past Detail Leaders under Easley's administrations. Colonel Wilson told Lieutenant Batchelor to record all of the interviews with the Detail Leader in order to "lock everybody in on who completed, who was doing what. I simply couldn't continue to tell *The N and O* and others that we had turned everything over... I needed to make sure everything had been fully disclosed."

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On 24 March 2009, Lieutenant Batchelor attempted to interview Captain Melvin. Initially, Captain Melvin did not want to interview with Lieutenant Batchelor. Captain Melvin wanted to speak with Colonel Wilson and be interviewed by the Colonel. Later in the same day at approximately 5:00 p.m., Captain Melvin came to Colonel Wilson's office. Colonel Wilson explained the forms inquiry to Captain Melvin.

After the meeting between Colonel Wilson and Captain Melvin, Lieutenant Batchelor was brought into the Colonel's office to conduct the interview with Captain Melvin. Colonel Wilson was present during this interview and the interview was recorded.

Colonel Wilson stated that he was very forthright with Captain Melvin about Mr. Curliss' accusations concerning Captain Melvin's visit to the Easley residence. Colonel Wilson said that Captain Melvin confirmed that he was there in civilian clothes, in his father's car, and carrying a box. Colonel Wilson asked if Captain Melvin delivered any records to Governor Easley and Captain Melvin said that he did not. Captain Melvin indicated that he was bringing a CPU that had belonged the Governor. Captain Melvin also indicated that this visit occurred on personal time. Colonel Wilson did not inquire any further about the visit to the Easley residence.

During the remainder of the interview, Lieutenant Batchelor and Captain Melvin discussed the forms that were used by the Executive Protection Detail and how they were maintained.

At Colonel Wilson's request, Lieutenant Batchelor went to the Executive Mansion for a second visit to ensure that the Patrol had everything to give to *The News and Observer*. Lieutenant Batchelor had already been on an initial visit when he began his forms review. Lieutenant Batchelor was instructed to go back through their filing guide and computer to look for anything that might be missing. Lieutenant Batchelor told Colonel Wilson that he dealt with Sergeant R. C. Thaxton and Ms. Bumgardner. Ms. Bumgardner informed Lieutenant Batchelor that the missing records had been downloaded from a server onto a CD and given to Captain Melvin. This occurred at a time when the Detail was moving back into the Executive Mansion and the Detail was trying to clean up their files. The Detail had been out of the Mansion while renovations were being made. Ms. Bumgardner did not mention this disc during Lieutenant Batchelor's first visit to the Executive Mansion. Colonel Wilson said that he "found it strange" that Ms. Bumgardner had not told Lieutenant Batchelor about the CD during his first visit. Colonel Wilson did not know the exact dates when this occurred.

Colonel Wilson stated, "At this point, no one was under investigation. There was no investigation. I know people thought there was an investigation. But, no formal investigation. We just had the Inspections Unit trying to locate files."

Colonel Wilson contacted Captain Melvin again, by telephone around 20 April 2009. Captain Melvin searched and did not find the CD or records that Ms. Bumgardner indicated that she had given him. Captain Melvin indicated that it was possible that he had requested Mrs. Bumgardner to download the files onto a CD to free up space on the server. Captain Melvin did not admit or deny that this ever happened. Colonel Wilson had this information put into Lieutenant Batchelor's forms review.

Colonel Wilson's attention was directed to conversations between Captain Melvin and Captain Clendenin. Captain Clendenin indicated to Colonel Wilson that Captain Melvin told him that he had

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not been to the Easley residence while on duty. Captain Clendenin had relayed to Mr. Curliss that Captain Melvin had not been to the Easley residence while on duty.

During a subsequent interview with Mr. Curliss, possibly on 8 May 2009, Colonel Wilson learned that Captain Melvin was possibly at the Easley residence around 2:00 p.m. on a day that he had indicated that he was working. Colonel Wilson had told Mr. Curliss that Captain Melvin's visit was on personal time and used no state equipment for the visit. Mr. Curliss requested Captain Melvin's Work Schedule and indicated that the visit was on 18 February 2009.

Mr. Curliss was insinuating that Captain Melvin was not being truthful with Colonel Wilson and Captain Clendenin. Colonel Wilson and Captain Clendenin called Captain Melvin to try to clarify the discrepancies. Captain Melvin voluntarily decided to interview with Mr. Curliss, along with Captain Clendenin. During this interview, Captain Melvin only discussed his visit to the Easley residence.

When questioned, Colonel Wilson indicated that there are still missing forms and records from the Executive Protection Detail. The only explanation that Colonel Wilson has received is the one provided by Ms. Bumgardner regarding the downloading of the files onto a CD that was given to Captain Melvin. All files were stored electronically and no hard copies were kept.

On 12 May 2009, Colonel Wilson requested Captain Melvin to come to his office to discuss the missing records. Once Captain Melvin arrived, Colonel Wilson decided not to meet with him. Colonel Wilson decided to end the forms inquiry and to move forward with an actual investigation. Colonel Wilson then directed Captain Poole to complete an HP-307 (Personnel Complaint) against Captain Melvin.

When asked if Captain Melvin was untruthful, Colonel Wilson answered, "I'd like to get more information." Captain Melvin was not as "forthright and candid" as Colonel Wilson had hoped that he would have been, specifically on 10 March 2009 when he did not mention the Governor's Events form. Colonel Wilson said that he was disappointed that Captain Melvin did not disclose this form to him on 10 March 2009.

Colonel Wilson also said that during the 24 March 2009 interview, Captain Melvin had said that he went to the Easley residence off duty. Colonel Wilson said that he has since learned that Captain Melvin may have gone to the residence during a meal break, wearing civilian clothes, and driving his father's car. When questioned, Colonel Wilson said that he was not very concerned about Captain Melvin's visit to the Easley residence. But, Captain Melvin explained the visit in a manner that indicated that he was off on the day that he went to the Easley residence. Colonel Wilson felt that Captain Melvin had been "misleading" about his visit to the Easley residence. Colonel Wilson had relayed to Mr. Curliss what Captain Melvin had told him about his visit to the Easley residence.

Colonel Wilson stated that Captain Melvin was not "totally accurate" because he did go to the Easley residence on a workday. If Captain Melvin had disclosed to Colonel Wilson that he did go to the Easley residence on a workday, during his meal hour, and in his father's car, Colonel Wilson could have told this to Mr. Curliss and that would have been "Okay." Instead, Captain Melvin's integrity was put into question.

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Colonel Wilson also indicated that Captain Melvin and Captain Clendenin had a "misunderstanding" when Captain Clendenin inquired about Captain Melvin's visit to the Easley residence.

When questioned, Colonel Wilson said that he never told *The News and Observer* that he had directed an Internal Affairs investigation. Colonel Wilson said, "I requested Inspections to conduct an inquiry" into the missing records. There was never an Internal Affairs investigation until Captain Poole completed the HP-307.

When asked, Colonel Wilson stated that he never told Captain Clendenin to tell *The News and Observer* that he had directed Internal Affairs to conduct an investigation.

Colonel Wilson stated, "If there were an investigation ordered, you would know."

When questioned, Colonel Wilson indicated that there were no current searches for missing records other than this current Internal Affairs investigation. Colonel Wilson added, "It would be my understanding that this investigation would look into the status of the missing records, also."

When asked, Colonel Wilson said that new Highway Patrol forms were being created to track the events and travel for the Governor, the Governor's spouse, and the Lieutenant Governor. These forms will have instructions, retention schedules, and assigned form numbers. These forms will capture necessary data on these events.

Concerning Captain Melvin, Colonel Wilson stated, "He doesn't know if he was given the CD, but he doesn't deny it. He just simply doesn't remember the specifics of it. So if Ms. Bumgardner says they were downloaded to a CD, we need to try and find that CD. Because we've been through that computer. From my understanding, we have everything off that computer."

OA-IV Diane Bumgardner

On 17 June 2009, Captain P. A. Poole and Lieutenant J. A. Cotton interviewed OA-IV Diane Bumgardner at Highway Patrol Headquarters in Raleigh, North Carolina.

Ms. Bumgardner has been the OA-IV (Office Assistant) for the Executive Protection Detail since February 2005.

Prior to her transfer to the Executive Protection Detail, Ms. Bumgardner was assigned to the Technical Services Unit for approximately six months and was assigned to Support Services for approximately five years.

Ms. Bumgardner replaced OA-IV Debra Tingen after she retired as the OA-IV for the Executive Protection Detail. When asked, Ms. Bumgardner confirmed that she started working for the Executive Protection Detail at the beginning of Governor Easley's second term in office.

When Ms. Bumgardner began working at Executive Protection Detail, Captain J. A. Melvin was a First Sergeant and was the Detail Leader. Captain Melvin was promoted to Lieutenant and remained the Detail Leader. Once Captain Melvin was promoted to Captain in 2007, First Sergeant C. J. Stephens became the Detail Leader. Sergeant D. P. Wainright eventually replaced First Sergeant Stephens in

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2007, as well. In May 2009, Sergeant Wainright was replaced by Sergeant G. M. Powell as Detail Leader.

In August 2005, the Executive Protection Detail moved out of their permanent office in the Executive Mansion while renovations were being completed. According to Ms. Bumgardner, the Details' office was temporarily located in the "Blue Tarp House." Ms. Bumgardner indicated that all of their computer equipment was temporarily relocated to the Blue Tarp House. The Executive Protection Detail moved back into the Executive Mansion in January 2006.

Ms. Bumgardner's attention was directed to the records requests and the forms inquiry conducted by Lieutenant A. H. Batchelor. Ms. Bumgardner indicated that Captain R. E. Clendenin had initially made a request in January 2009 for records to be turned over to *The News and Observer*. Ms. Bumgardner recalled that Captain Clendenin's original request was very specific and he had requested Private Flight Itinerary records only. Ms. Bumgardner said that she provided just the few itinerary records that they had to Captain Clendenin or Lieutenant Colonel Hatcher.

Captain Clendenin called Ms. Bumgardner and said that *The News and Observer* was requesting more records. Captain Clendenin provided specific dates and Ms. Bumgardner could not find flight itineraries for the dates in question.

In February 2009 or March 2009, Lieutenant Batchelor came to Ms. Bumgardner's office and requested two dates of records for the Governor. Ms. Bumgardner only found records for the First Lady and not the Governor. Ms. Bumgardner stated that Captain Clendenin and Lieutenant Batchelor had initially only requested records for the Governor.

Ms. Bumgardner said that Lieutenant Batchelor came back a second time and asked for "everything, related to private emails." Ms. Bumgardner said that they provided everything that they had and there were still no records for 2005.

Lt. Batchelor asked again about 2005 files and Ms. Bumgardner told him about the CD. Ms. Bumgardner said that the Executive Protection Detail moved back into the Executive Mansion in early 2006. The Technical Services Unit had sent out an email requesting users of the Patrol's Shared Drives to clean anything that they could off of the Shared Drives. Then-First Sergeant Melvin told Ms. Bumgardner to download all "State Events" files from 2003, 2004, and 2005 onto a CD. Ms. Bumgardner did this and then "dumped" these events off of the Shared Drive. Ms. Bumgardner said that she handed the CD to then-First Sergeant Melvin.

Ms. Bumgardner added, "To clarify, they were asking for private, which is campaign. And, we keep stuff 'Events' and 'Campaign.' They're two very separate creatures. So, the CD that was burned was 'State Events' for 03, 04, and 05, I think."

When questioned, Ms. Bumgardner stated that Lieutenant Batchelor had Paul Nelson from Technical Services Unit download a CD of all events for the Governor, First Lady, and Lieutenant Governor for 2006, 2007, and 2008. Ms. Bumgardner also indicated that she made a CD for Lieutenant Batchelor for all events in 2006, 2007, and 2008. Ms. Bumgardner stated, "03, 04, and 05 was gone. That was on a CD that Alan had."

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When asked, Ms. Bumgardner confirmed that all events for 2003 and 2004 were not on the Shared Drive, as well as 2005. And, if *The News and Observer* had been requesting events for 2003 and 2004, they would not have been able to locate those two years.

As of May 2009, Ms. Bumgardner has kept all records of events on file electronically on the Shared Drive. Ms. Bumgardner has kept these electronic records as a source of reference for future events. Ms. Bumgardner noted that there was no requirement for retention of these records and she could have deleted these records once the event was completed.

When questioned, Ms. Bumgardner did not recall any instances where she was told not to track events using the Events forms. Ms. Bumgardner indicated that it would be possible that there were events or travel that she would not be aware of.

Ms. Bumgardner said that she does not complete the Travel Reimbursements for the Troopers. The Troopers would complete their own Travel Reimbursements and turn them in to Ms. Bumgardner. Ms. Bumgardner kept track of the status of the Travel Reimbursements to make sure that the Troopers got their reimbursements. Ms. Bumgardner has not been asked for the tracking log that she keeps for Travel Reimbursements. Ms. Bumgardner does not keep copies of the Troopers' Travel Reimbursement forms.

When asked, Ms. Bumgardner stated that Lieutenant Batchelor came to the Executive Mansion three or four times. Ms. Bumgardner also recalled having several phone conversations with Lieutenant Batchelor.

Ms. Bumgardner indicated that the first discussion with Lieutenant Batchelor about the CD came up during one of their phone conversations. Lieutenant Batchelor continued to ask about Campaign Events in 2005. Ms. Bumgardner told Lieutenant Batchelor that Campaign Events were different from State Events. Lieutenant Batchelor asked where the 2005 State Events were and she told him about the CD and whom she had given it to.

When questioned, Ms. Bumgardner said that she had never put events onto a CD until Captain Melvin asked her to do so in early 2006. Concerning the 2006, 2007, and 2008 files, she has made a CD for Lieutenant Batchelor, herself, and placed a copy in the gun safe at the Executive Mansion. Ms. Bumgardner indicated that either Sergeant D. P. Wainright or Sergeant G. M. Powell had ordered her to make a CD to keep in the gun safe.

Ms. Bumgardner indicated that there are now new forms to be used for all events for the Governor, Governor's spouse, and Lieutenant Governor. Ms. Bumgardner indicated that these new forms have instructions and retention schedules.

When asked, Ms. Bumgardner stated that Captain Melvin has never been untruthful or misleading in his communications with her. Ms. Bumgardner has never known Captain Melvin to be untruthful with anyone at the Executive Mansion.

When questioned, Ms. Bumgardner said that she never tried to intentionally hide or withhold anything from Lieutenant Batchelor during his forms inquiry. Ms. Bumgardner said that she gave Lieutenant Batchelor the information that he was asking for, which was Private Events for the Governor.

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Ms. Bumgardner added that the Executive Protection Detail provided what was asked for "without hesitation."

Ms. Bumgardner stated, "If it appeared to them that we were hiding because all of a sudden now, you broaden your scope- 'Oh, here they were but you didn't give them to us,' it's not what you asked for."

When asked, Ms. Bumgardner confirmed that the scope of the records request was not broadened for her until Lieutenant Batchelor began his forms inquiry. Ms. Bumgardner said that the initial records request was not for all flight records. If there had been a request for all flight records, Ms. Bumgardner said that she would have pulled flight records for both State and Private Events. Ms. Bumgardner stated, "They asked for Flight Itineraries.... They asked for Private."

Ms. Bumgardner said, "Eventually, the scope was broadened to include all records. And, that's what we provided them."

When questioned, Ms. Bumgardner stated that she does not know where the CD with the events from 2005 is located. Ms. Bumgardner recalled making the CD, handing it to Captain Melvin, and deleting the files off of the server.

Ms. Bumgardner concluded the interview by saying, "I hate that it has gotten misconstrued in the public because it's being misrepresented... I feel like this thing just mushroomed... We're being crucified because a CD is, can't be, can't put our hands on it."

Lieutenant A. H. Batchelor

On Wednesday, 13 May 2009, Captain P. A. Poole and Lieutenant J. A. Cotton interviewed Lieutenant A. H. Batchelor at Highway Patrol Headquarters in Raleigh, North Carolina.

Lieutenant Batchelor is assigned to the Inspections Section of the Office of Professional Standards. Lieutenant Batchelor's Unit conducts Staff Inspections, reviews Line Inspections, and also facilitates policy updates and form revisions. With form revisions, Lieutenant Batchelor indicated that his section ensures that all sections of the Highway Patrol are using standardized forms that can be properly filed and tracked.

Lieutenant Batchelor's attention was directed to a forms review that he did for the Highway Patrol's Executive Protection Detail. On 23 March 2009, Lieutenant Batchelor was called to a meeting with Colonel Walter J. Wilson Jr., Lieutenant Colonel J. J. Hatcher, and Major W. R. Scott. Lieutenant Batchelor was directed to conduct a forms review of the Executive Protection Detail's forms that were used to document the Governor's travel and events. Colonel Wilson wanted Lieutenant Batchelor to determine the origin of those forms, who had designed them, and where they were being stored. Lieutenant Batchelor was tasked with designing a new form that could be better tracked by the Highway Patrol. Lieutenant Batchelor indicated that he was told to report his findings to Lieutenant Colonel Hatcher.

According to Lieutenant Batchelor, Colonel Wilson wanted him to search the Executive Protection Detail's computers' hard drives to ensure that there were no other "Private Events" stored on the

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computer. Lieutenant Batchelor was instructed to interview current and past Executive Protection Detail leaders, including Captain J. A. Melvin, Lieutenant J. O. Holmes, First Sergeant C. J. Stephens, and Sergeant D. P. Wainright, about the origin and design of the forms used by the Detail.

Lieutenant Batchelor indicated that he was given specific dates of trips to ask the past and current Detail leaders about. One was a trip to Florida in 2005 and another was a trip to New York in the fall of 2007 or 2008.

On a later date, Lieutenant Batchelor met with Colonel Wilson and Captain R. E. Clendenin in the Colonel's office. Colonel Wilson and Captain Clendenin told Lieutenant Batchelor that they had some new information and wanted him to go to Captain Melvin and ask him specifically about a visit that he made to former Governor Michael F. Easley's Raleigh residence. Lieutenant Batchelor said that Colonel Wilson and Captain Clendenin told him to interview Captain Melvin and record the interview. Lieutenant Batchelor was instructed to tell Captain Melvin that there was an alleged photograph of him at Governor Easley's residence with a package. This photograph was allegedly taken by *The News and Observer*.

On 24 March 2009, Lieutenant Batchelor went to Captain Melvin's office to conduct the interview. Captain Melvin requested to meet with Colonel Wilson. Lieutenant Batchelor contacted Colonel Wilson and arranged a meeting with Colonel Wilson, Captain Melvin, and himself at 5 p.m. later that same day.

Lieutenant Batchelor said that he met with Colonel Wilson and Captain Melvin in Colonel Wilson's office and that he and Colonel Wilson interviewed Captain Melvin. Lieutenant Batchelor said that the interview was recorded.

Investigators asked Lieutenant Batchelor how the photograph and Captain Melvin's visit to Governor Easley's residence were related to his forms review. Lieutenant Batchelor replied, "I was following orders. When they told me to go over there and do something, I did it."

During the interview with Captain Melvin, Lieutenant Batchelor asked Captain Melvin if he had ever been to Governor Easley's private residence in Raleigh. Captain Melvin replied that he had been to Governor Easley's residence approximately 30 to 60 days prior to the interview. Lieutenant Batchelor asked Captain Melvin how often he had been to Governor Easley's residence. Captain Melvin answered that he had only been to the Easley's Raleigh residence on one occasion since Governor Easley had left the Executive Mansion.

During his forms review, Lieutenant Batchelor noted that all of 2005 Governor's Events for the Executive Protection Detail were missing. Lieutenant Batchelor had not learned about the missing 2005 documentation until after he had interviewed Captain Melvin.

When asked, Lieutenant Batchelor said that Captain Melvin admitted that he had been to Governor Easley's residence in his father's 2004 Ford Crown Victoria on a personal visit. Captain Melvin indicated that he was off duty and not in uniform. Captain Melvin told Lieutenant Batchelor that he was taking a Central Processing Unit to Governor Easley. Captain Melvin indicated that the CPU did not belong to the Highway Patrol but was Governor Easley's personal CPU.

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When questioned, Lieutenant Batchelor indicated that there were only two (2) instances where he has recorded interviews in the scope of his duties as the Director of the Inspections Section. Lieutenant Batchelor stated that he recorded his interviews with Captain Melvin and Sergeant Wainright. Both interviews were related to his forms review with Executive Protection Detail and were recorded to make sure factual information was given in his forms review report and Captain Melvin's responses were recorded on tape.

When asked, Lieutenant Batchelor stated that he was told that he would be conducting a forms review and not be conducting an Internal Affairs investigation.

Lieutenant Batchelor stated that he spoke to Captain Melvin on at least three or four occasions during the forms review. Lieutenant Batchelor said that he interviewed Captain Melvin once in Colonel Wilson's office and then spoke to him on other occasions about Executive Protection Detail forms. When asked, Lieutenant Batchelor indicated that Captain Melvin was never misleading or inaccurate in his communications with Lieutenant Batchelor. When questioned, Lieutenant Batchelor said that Captain Melvin was never untruthful with him. Lieutenant Batchelor continued by saying that he did not have some of the information that Colonel Wilson had and accepted Captain Melvin's responses as being the facts.

When questioned, Lieutenant Batchelor said that when Colonel Wilson gave him instructions to ask questions about Captain Melvin's visits to the Easley residence, Captain R. E. Clendenin was present in Colonel Wilson's office, as well. Captain Clendenin told Lieutenant Batchelor that Captain Melvin had already denied being at the Easley residence and would probably deny it when asked again by Lieutenant Batchelor. Lieutenant Batchelor believed that this was on 23 March 2009. Lieutenant Batchelor said that he was also told to tell Captain Melvin that there was an alleged photograph of him at the Easley residence.

Lieutenant Batchelor's attention was directed to the 9 May 2009 article in *The News and Observer*. The article indicated that the Highway Patrol was conducting an Internal Affairs investigation into the gaps in records from the Executive Protection Detail. Lieutenant Batchelor said that he was not aware of any Internal Affairs investigation. Lieutenant Batchelor stated that he conducted a forms review into the missing records.

Lieutenant Batchelor began discussing how the forms review began on 23 March 2009. Lieutenant Batchelor said that *The News and Observer* was inquiring about certain trips made by Governor Easley and he asked Captain Melvin if he knew anything about those specific trips. Lieutenant Batchelor said that Colonel Wilson explained to him how "it made him look" when *The News and Observer* told him that they had not received all of the forms and he had told them, "This is all we have." Lieutenant Batchelor indicated that Colonel Wilson felt that it made him look bad when he had, in good faith, told *The News and Observer* that he had given them everything.

Lieutenant Batchelor stated that Colonel Wilson told him to go to the Executive Protection Detail and find any forms that exist and where they are located so there is nothing else that *The News and Observer* can come back and request. Lieutenant Batchelor indicated that he was told to look on EPD computers and go to Paul Nelson at the Technical Services Unit to find these forms.

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When asked, Lieutenant Batchelor indicated that Captain Melvin had not provided any of the travel forms to *The News and Observer* or to him for the forms review. Captain Melvin was not assigned to the Executive Protection Detail at the time of *The News and Observer's* records request.

When questioned further about his interview with Captain Melvin, Lieutenant Batchelor stated that Captain Melvin had indicated that his visit to the Easley residence was off duty and in his father's vehicle. Lieutenant Batchelor also indicated that he did not know what Captain Melvin had told Captain Clendenin when asked about going to the Easley residence. Lieutenant Batchelor indicated that he did not know what Captain Clendenin had asked Captain Melvin, as well.

Lieutenant Batchelor said that he was initially told not to go into a lot of detail in his forms and process review and to only provide an oral report back to the Colonel. Lieutenant Batchelor stated that he was told that he was not conducting an Internal Affairs investigation. Lieutenant Batchelor eventually presented Colonel Wilson a written memorandum about the forms process review.

Lieutenant Batchelor indicated that he was the only person who went to the Executive Protection Detail looking for forms and asking questions. Lieutenant Batchelor added that Lieutenant Colonel Hatcher told him last week that "if you go and ask people questions, then it's an investigation."

Captain R. E. Clendenin

On Wednesday, 13 May 2009, Captain R. E. Clendenin was interviewed by Captain P. A. Poole and Lieutenant J. A. Cotton at Patrol Headquarters in Raleigh, North Carolina.

Andy Curliss, a reporter with *The Raleigh News and Observer*, contacted Captain Clendenin by telephone sometime around 9 January 2009. He left a voice mail stating he had a public records request for the patrol to turn over travel records dealing with Governor Easley's travel and would like Captain Clendenin to return his call.

Captain Clendenin called Andy Curliss back and they talked about travel records for Governor Easley. Curliss specifically asked for copies of the Private Flight Itineraries on Governor Easley that were completed by the Executive Protection Detail. Captain Clendenin told him he would start the request and call him back when he had the records for him. Captain Clendenin immediately notified Secretary Reuben Young and Colonel Wilson.

Captain Clendenin stated he did not know what kinds of records the Executive Protection Detail kept on the flights, so he called Andy Curliss back (he could not remember the exact day or time) and asked what exactly was he looking for. Andy Curliss told him the form had the Highway Patrol's name on it with the seal and was labeled "Flight Itinerary".

Sometime after that (he could not remember date or time), Captain Clendenin called Captain Melvin to inquire about these forms because he used to supervise the Executive Protection Detail that tracked those flights and would have knowledge about the forms.

Captain Clendenin stated he told Captain Melvin, "Look, I've got the request from *The News and Observer* about this form. When did y'all... what is this form he keeps on talking about, this flight form?" He said, 'Everett, I'll tell you about the flight form.' He said it was a flight form that was

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created by the Commerce Department and the Highway Patrol adopted and modified the form to track private flights Governor Easley went on. I said, 'When was this?' And he told me it was in late 2003, early 2004. And it was done because the Governor was getting so many flights, so many things going on; he wanted to be able to keep up where he was going and when. I said, 'Okay, thank you.'

Captain Clendenin said that at some point in time (he could not remember date or time), he started receiving some travel records from the Executive Protection Detail through Lieutenant Colonel Hatcher. Sometime around 19 February 2009 (he could not remember date or time), travel records were starting to be provided to Andy Curliss per his official request. A day or two later, sometime around 23 February 2009, Andy Curliss called Captain Clendenin back and told him there were travel records missing and that the Patrol didn't turn over all the years requested.

It was during this conversation that Mr. Curliss told Captain Clendenin, "Also, *The News and Observer* wants to know why Captain Melvin was at the Governor's residence while on duty. And as a matter of fact, *The N&O* would like to interview Captain Melvin about these records that are missing.

Captain Clendenin told Curliss he would look into it and call him back. Captain Clendenin immediately let the Secretary and the Colonel know what Curliss had requested.

Captain Clendenin stated that shortly thereafter (he could not remember date or time), he contacted Captain Melvin by telephone again and said, "Hey, look, it appears to me that *The News and Observer* is very interested in these missing records and would like to interview you." At this point, Captain Melvin stated he wasn't going to interview with *The News and Observer*. "I told Melvin, 'Now, they've also said that you... they believe you were at the Governor's residence and they want me to find out why you were at the Governor's residence while on duty.' And, 'Were you at the Governor's residence?' Melvin's reply was 'Huh, well, they are bluffing you.' You know, 'They're bluffing you.' And I said, 'Well, okay,' I said, 'But now, I want to be able to respond back.'"

Captain Clendenin continued, "Alright, so here... here... 'What are we gonna do, what do we want to say here?' He said, 'Whatever. I'm telling you right now that I have not been by the Governor's residence.' I think he said... first of all, he said, 'I've not been by the Governor's residence.' And I said, 'Okay.' And I... before we closed the deal, we talked about the records and I can't remember the whole conversation but I said something about, 'They're (*N&O*) focusing in on missing records and they keep on asking me about missing records.' So I went back and I said, 'Okay, now, I'm gonna respond back to him. What are you... I'm thinking of saying, you know. What... what do you want me to say?' I said, 'Do I say you didn't go or what?' He said, 'I didn't go. I did not go by there.' I said, 'So, you... you want me to say in here that...' I said this. I said, 'You want me to say you did not go by there on duty?' And he said yes."

Captain Clendenin stated that was the end of the conversation and he hung up the phone. He stated he then told the Colonel and the Secretary what Captain Melvin said.

When asked by Investigators, Captain Clendenin stated he never asked Captain Melvin if he ever been to Governor Easley's residence off duty.

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Captain Clendenin stated that after talking with Colonel Wilson and Secretary Young he called Andy Curliss (sometime around 23 February 2009 but he could not remember exact date) to give him some answers to his previous forms question. Captain Clendenin told Mr. Curliss, "Oh, and by the way, on Melvin: Melvin says that, he did not go to the Governor's residence." Curliss responded, 'He did?' And I said, 'Yeah, Melvin says he did not go by there while he was on duty.' Andy Curliss stated *The N&O* has a picture of Melvin at the Governor's residence. I was like, "Okay, well, I'd like to see it if you've got it." Curliss responded, 'Well, maybe you will!' Like in the newspapers, is the way I took it. I said, 'Well, are you planning on using it in the newspaper?' He said, 'Perhaps.' So, that got me a little concerned first, right then, 'cause now he's got me on the record as saying that Melvin was not at the residence."

Captain Clendenin stated he immediately called the Colonel and Secretary and told them about the conversation with Mr. Curliss. He informed them that if *The N&O* printed the picture it would not look good for Melvin since Captain Clendenin told them he didn't go by the Governor's residence.

Captain Clendenin was asked if he ever told Colonel Wilson at anytime during these conversations that he believed Captain Melvin had lied to him or wasn't truthful with him about his visit to the Governor's residence. Captain Clendenin stated, "I don't... I don't use the 'L' word often. So, I don't... if I said anything, I said... I may have... I don't recall saying that. But you know, I might have said something about, 'I don't know what's going on here.' I can see myself saying, 'Hey, I'm not sure what's going on here. Maybe we need to find out what's going on.' But I was left with the impression from the Colonel he was gonna find out."

Captain Clendenin stated that on 9 March 2009, Mr. Curliss called and said he wanted to interview the Colonel concerning the missing records, especially the ones missing for 2005.

Captain Clendenin told investigators, "We put Curliss off for a while trying to find the missing records and the Colonel was going to talk with Melvin about his visit to Governor Easley's Residence."

On 16 March 2009, Mr. Curliss interviewed Colonel Wilson about missing records in a telephone interview involving Colonel Wilson, Captain Clendenin and Andy Curliss.

Captain Clendenin stated, "What we told Curliss was he had all the records. Shortly thereafter, they make another inquiry to Lieutenant Colonel Hatcher as to the detail about more... about, 'Do you have any other records?' and all of a sudden, boom! We get this big stack of records. So, that's what Curliss is really using as fodder to get... 'Look, you may have even more. How do I know you... you told me once you already gave 'em all up and now... then you call me back, you got this big stack, but I'm still missing '05.' So, he [Mr. Curliss] interviews the Colonel about, 'Hey, what happened?' And the Colonel very well goes through and explains how it happened and how we got more records and maybe there was some confusion on exactly what records. Um, and it ends with Curliss asking about Melvin at the Governor's residence. He asks the Colonel. He says, 'Hey, what do you know about Melvin being at the residence?' I think it was this interview is when the Colonel said, 'I'm not sure about that, I will find out and get back to you.'"

Captain Clendenin said that on 23 March 2009, Colonel Wilson ordered an inquiry into how the Executive Protection Detail records flights taken by the Governor. Lieutenant Alvin Batchelor with the Inspections Unit was instructed to conduct that inquiry.

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On 24 March 2009, Captain Clendenin said that Colonel Wilson and Lieutenant Bachelor interviewed Captain Melvin in the Colonel's office and Captain Melvin was asked about his visit to Governor Easley's private residence again. Captain Clendenin stated Colonel Wilson had a conversation with him afterwards and told him that Captain Melvin told him that he had been to Governor Easley's residence off duty, driving his father's black Crown Victoria for the purpose of dropping off a personal computer (CPU).

Captain Clendenin and Andy Curliss emailed each other back and forth for over a month about the missing records and Melvin's alleged visit to Governor's Easley residence. Mr. Curliss also told Captain Clendenin he wanted to interview the Colonel again.

On 8 May 2009, Colonel Wilson interviewed with Andy Curliss for the second time about the missing 2005 records. Mr. Curliss again asked about Captain Melvin's visit to the Governor's residence. Captain Clendenin stated it may have been at this interview when the Colonel told Mr. Curliss that he had talked to Captain Melvin and Captain Melvin said that he went on his off duty time, on his personal time.

According to Captain Clendenin, Mr. Curliss tells the Colonel that *The N&O* has a picture of Captain Melvin at the Governor's residence the day before the flight records were turned over to the N&O. He was driving a black Crown Victoria believed to be his father's car and was carrying a box into the residence. Mr. Curliss then asked the Colonel what Melvin was carrying and the Colonel replied that it was personal items.

Captain Clendenin stated that he told the Colonel he believed it was not looking good for Melvin, judged on the way Mr. Curliss was directing the interview towards Melvin.

Captain Clendenin stated that after the interview, they called Captain Melvin to let him know what Mr. Curliss was alleging and they believed Mr. Curliss was going to attack his credibility in the newspaper article.

Captain Melvin went to the Colonel's office and they all called Andy Curliss back and tried to explain the reason for the inconsistencies in his answers to Colonel Wilson and Captain Clendenin surrounding his visit to the Governor's residence.

Captain Clendenin stated he told the Colonel, "I don't know how it's gonna play out in the story, but I think Melvin did a good job explaining any misunderstanding." Captain Clendenin stated, "I thought he (Melvin) did a decent job."

The next day, 9 May 2009, *The News and Observer* ran the story about the Highway Patrol's missing flight records and Melvin's inconsistencies surrounding his visit to Governor Easley's private residence. They printed that Melvin at first denied being at Governor Easley's house but later said he misunderstood the question. The article stated that Captain Melvin was seen going into the Governor's residence carrying a box on 18 February 2009 around 2:00 p.m.

Captain Clendenin told investigators that the news article that *The N&O* printed on 9 May 2009 did not portray his initial conversation with Captain Melvin accurately. Captain Clendenin stated he told

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Andy Curliss that Captain Melvin told him he did not go by the Governor's residence while on duty, but when *The N&O* printed the first article they just printed that Captain Melvin denied going by there and nothing about being on duty or off duty.

Captain Clendenin stated that if initially Captain Melvin had just told him, "I didn't go on duty but I did go to the Governor's residence off duty," then there would not have been an issue.

Captain Clendenin stated that Andy Curliss has not provided the alleged picture of Captain Melvin at Governor Easley's private residence. He further states he does not know the exact date or time the alleged picture was taken.

Sergeant D. P. Wainright

On Tuesday, 23 June 2009, Sergeant D. P. Wainright was interviewed by Captain P. A. Poole and Lieutenant B. T. Clayton at Highway Patrol Headquarters in Raleigh, North Carolina.

Sergeant Wainright stated that from August 2004 until this past May 2009, he was assigned to the Executive Protection Detail during Governor Easley's administration. In May 2009 he was assigned to Edgecombe County.

Sergeant Wainright stated that, while assigned at the Governor's Mansion, he supervised a squad of Troopers who provided the security and transportation for the Governor. The Detail Leader (a First Sergeant) was responsible for scheduling the Governor's movements and Sergeant Wainright would carry out the assignments accordingly.

Sergeant Wainright stated that sometime near the end of January 2009 (he can't remember day or time) Captain Melvin stopped by the Governor's Mansion. He stated Captain Melvin had previously been the Executive Protection Detail Leader for many years and from time to time would stop by to visit the uniformed members and OA-IV Diane Bumgardner. Sergeant Wainright said these visits were strictly social in nature.

He stated that Captain Melvin had come by his office on the way out, noticed the old computer in his office and said, "Look, I got to drop some stuff off at Governor Easley's house, do you want me to deliver that computer to him?" I said, 'Yes; go ahead. It will save me or one of my Troopers a trip to take it to him.'"

Shortly thereafter, Captain Melvin left with the computer. Sergeant Wainright stated, "The new Governor was moving in and they had been helping former Governor Easley move out. So we have been shuttling his mail and magazines to his residence." He stated that Governor Perdue was sworn in on 10 January 2009 and former Governor Easley had already moved out by then.

Sergeant Wainright stated that the computer had been in his office for months. He stated, 'I don't know who put it in there but I had been told it was from the campaign office and belonged to former Governor Easley.' He stated that he didn't know exactly who had told him about the computer but was common knowledge that the computer belonged to former Governor Easley and was not state property.

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This investigator asked Sergeant Wainwright if he ever received any phone calls from Melvin, the Governor or anybody else about when the computer over there or requesting that computer back?

Sergeant Wainwright stated "there was no phone call I (from Easley) need that computer and Melvin did not call me and say I'm coming to get that CPU and take it to the Governor". (18:10)

Sergeant Wainwright was asked if he knew what other items Captain Melvin was taking to former Governor Easley and he replied, "No."

Sergeant Wainwright had no personal knowledge if Captain Melvin actually went to former Governor Easley's residence the day he picked up the computer. He also stated he did not call Captain Melvin beforehand and ask him to pick up the computer for Governor Easley. He stated that it just was a spontaneous action. When asked by investigators if he had any knowledge if Governor Easley called Captain Melvin to get the computer, he replied, "No."

Sergeant Wainwright was asked if he ever saw the computer disk that was given to Captain Melvin by Diane Bumgardner that contained Governor Easley's 2003, 2004, and 2005 flight records. He stated he has never seen a CD that contained those records and does not have personal knowledge that one exists.

When asked, Sergeant Wainwright stated he has never been ordered by anyone, including Captain Melvin, to delete, remove, or hide flight records from any computer or file in the Executive Protection Detail office.

Sergeant Wainwright thinks Captain Melvin got the computer sometime at the end of January 2009 but doesn't know for sure. He further stated he found Captain Melvin to be truthful and has not felt misled in his interactions with him.

Sergeant Wainwright stated Captain Melvin was in uniform when he picked up the computer and "if Melvin would not have taken that computer that day; it would probably still be sitting on the second shelf in the Sergeants office in the basement of the Mansion."

Not applicable

INTERVIEW OF MEMBER

Captain J. A. Melvin

On 17 June 2009, Captain P. A. Poole and Lieutenant J. A. Cotton interviewed Captain J. A. Melvin at the Highway Patrol Headquarters in Raleigh, North Carolina.

Captain Melvin denied the allegations in the complaint.

Since 30 April 2007, Captain Melvin has been assigned to the Technical Services Unit in Garner, North Carolina, as the Unit Director.

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In December 1996, Captain Melvin began working at the Executive Protection Detail as a Trooper.

In October 1999, Captain Melvin was promoted to Sergeant and stayed with the Executive Protection Detail under Governor Jim Hunt's administration. Captain Melvin recalled that Governor Mike Easley's administration began in January of 2001.

In October 2002, Captain Melvin was promoted to First Sergeant and assigned to the Training Academy. In April 2003, Captain Melvin was transferred back to the Executive Protection Detail as Detail Leader and at the rank of First Sergeant.

In November 2005, Captain Melvin was promoted to Lieutenant and stayed at the Executive Protection Detail as the Detail Leader. In January 2006, Captain Melvin also began splitting his duties with the VIPER program at TSU and as Detail Leader.

In April 2007, Captain Melvin was promoted to Captain at TSU and officially left the Executive Protection Detail. First Sergeant C. J. Stephens took over duties as Detail Leader. When asked, Captain Melvin indicated that he has not been assigned any other details with the Executive Protection Detail since April 2007.

Captain Melvin's attention was directed to Governor Easley's travel, events, and the manner in which they were tracked. In April 2003, Captain Melvin began revising how records were kept on travel and events. In 2003, Debra Tingen was the OA-IV for the Detail until her retirement. Diane Bumgardner became the Detail's OA-IV in February 2005 and was the OA-IV when Captain Melvin left in 2007. Ms. Tingen and Ms. Bumgardner were never assigned to the Detail at the same time.

Captain Melvin indicated that all travel and event records were kept on the Highway Patrol's server so that the Detail's leader, shift supervisors, and the OA-IV could access them when the Detail Leader was out of place. This process made the Detail function more efficiently. Records were kept in folder and sub-folders. Events were divided by year, private events, public events, and principal (Governor, First Lady, and Lieutenant Governor). When asked, Captain Melvin said that only the Detail Leader, shift supervisors (Sergeants), and the OA-IV had access to these event files on the server. Event files and folders were maintained on the Patrol's server until Captain Melvin left the detail in 2007.

When asked about the difference between a public and private event, Captain Melvin stated that private events were often campaign events where there was absolutely no state business conducted. The decision as to whether an event was public or private was made by the Governor's press office or campaign office and the Executive Protection Detail had no input on this decision.

Captain Melvin said that logistical planning for events and travel did not begin until the Governor's press office sent the Detail notification of an event or travel. When questioned, Captain Melvin said that the Detail was obligated to provide security to the Governor for both private and public events. Captain Melvin stated that Governor Easley wanted protection all the time, even during his time not performing the duties of the Governor. Captain Melvin stated, "He had two federal level threats on him."

When questioned, Captain Melvin recalled that the Executive Protection Detail and all of their equipment were moved out of the Executive Mansion in late 2005 for renovations to be completed on

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the Executive Mansion. The detail moved into the "Blue Tarp" House. The First Family moved into the Bailey-Tucker House, which was adjacent to the Blue Tarp House. In January 2006, the First Family and the Executive Protection Detail moved back into the Executive Mansion.

Captain Melvin's attention was directed to the Patrol's server and the Executive Protection Detail's records that are maintained on the server. Investigators pointed out to Captain Melvin that Ms. Bumgardner had indicated that she downloaded all of the events from 2003, 2004, and 2005 from the server onto a CD and given the CD to him in early 2006. Captain Melvin said that he did not recall this happening. Captain Melvin indicated that he recalled that all of the records from 2003, 2004, and 2005 were on the server when he left in 2007. Captain Melvin did not recall Ms. Bumgardner giving him the CD in question. Captain Melvin stated that if he had been given a CD, it would have stayed in the possession of the Executive Protection Detail and would not have gone with him to the Technical Services Unit. Captain Melvin stated, "There's no reason to take any of that with me."

When questioned, Captain Melvin stated that it was possible that he had requested Ms. Bumgardner to clean the files off of the server in order to make more room on the server. Captain Melvin does not recall taking possession of the CD. Captain Melvin stated, "The best that I can recall, all those records were in place on the server."

When asked, Captain Melvin stated that he has never been asked by anyone in the Hunt or Easley administration to do anything "wrong." Captain Melvin says that this would include the deletion of travel records.

When questioned, Captain Melvin said that he does not know where the CD in question could be located and that he does not have the disc.

Captain Melvin recalled a phone conversation with Colonel W. J. Wilson Jr. on 20 April 2009. Colonel Wilson inquired about the CD after he had a conversation with Lieutenant A. H. Batchelor. Ms. Bumgardner had told Lieutenant Batchelor about the CD on 17 April 2009. After this phone conversation, Captain Melvin looked in his office and found some old notebooks from the Secret Service and a CD regarding Governor Easley's crash at Lowe's Motor Speedway. Captain Melvin put these items in a box and had his secretary, Pam Maynard, call Sergeant D. P. Wainwright from the Detail to come by and pick up these items to return to the Executive Protection Detail. Captain Melvin called Colonel Wilson back on 20 April 2009 and told him what he had and had not found in his office. Captain Melvin stated that Colonel Wilson asked him what he was supposed to tell *The News and Observer* about the missing 2005 files.

When asked, Captain Melvin said that he has never taken any paper copies of Private Events forms or Private Flight Itineraries from the Executive Mansion. Captain Melvin relayed that he printed an entire notebook for the Federal Grand Jury of his emails related to the Easley's' travel while he was at the Executive Mansion. Captain Melvin did this based on his subpoena and gave the entire notebook to the Grand Jury.

Captain Melvin indicated that Governor Easley's Press Office generated their own events form and kept detailed records of the Governor's travel. The press office would send their events form to the Detail and plans for travel and security would then begin. When questioned, Captain Melvin

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confirmed that he and Governor Easley did not plan the Governor's travel. All travel plans came through his press office.

Captain Melvin's attention was directed to his alleged visit to the Easley's private residence.

Captain Melvin recalled that in early 2009, he received a phone call from Captain R. E. Clendenin, the Highway Patrol's Public Information Officer. Captain Clendenin told Captain Melvin that Andy Curliss from *The News and Observer* was requesting an interview with him (Captain Melvin). Captain Melvin said that Captain Clendenin was "very persistent" about an interview with Mr. Curliss. Captain Melvin told Captain Clendenin that he did not have anything to say to Mr. Curliss. Captain Clendenin asked Captain Melvin, "Have you ever been to the Governor's residence recently, on duty, in a patrol car?" Captain Melvin told Captain Clendenin, "No, I had not." Captain Melvin said that he did not elaborate but was telling Captain Clendenin that he had not been to the Easley residence in a patrol car and on duty. Captain Melvin continued, "Captain Clendenin can turn things around. Case in point, I'm under investigation because the '05 files are missing. Last time I checked, based on the 307, I'm under investigation for untruthfulness."

On 23 March 2009, Lieutenant Batchelor came to Captain Melvin's office at TSU. Lieutenant Batchelor told Captain Melvin that he was doing an "inquiry" about the travel documents and how the Executive Protection Detail handled the Easley's' travel and how it was documented. Lieutenant Batchelor was very specific about certain trips. Captain Melvin explained to Lieutenant Batchelor how everything was kept on the server in certain folders. Lieutenant Batchelor asked about a specific trip to Florida in 2005. Captain Melvin recalled to Lieutenant Batchelor that he traveled with First lady Mary Easley to somewhere on the east coast of Florida. Captain Melvin said that this was the only trip to Florida that he recalled going with them.

On 24 March 2009, Lieutenant Batchelor came to Captain Melvin's office, put a tape recorder on his desk, and said, "I need to ask you some questions." Captain Melvin asked if Lieutenant Batchelor was conducting an official investigation or an Internal Affairs investigation. Lieutenant Batchelor replied, "No Sir" to both questions. Captain Melvin declined to answer any of Lieutenant Batchelor's questions. Lieutenant Batchelor also indicated to Captain Melvin that Colonel Wilson had sent him to Captain Melvin's office to answer these questions. Captain Melvin requested to speak with Colonel Wilson. Lieutenant Batchelor called Colonel Wilson and Lieutenant Batchelor then told Captain Melvin to be in Colonel Wilson's office at 5 p.m. that day.

At approximately 5 p.m. on 24 March 2009, Captain Melvin went to Colonel Wilson's office. Lieutenant Colonel J. J. Hatcher was in the Colonel's office and left soon after Captain Melvin arrived. Colonel Wilson asked Captain Melvin how his father was doing. When asked, Captain Melvin stated that Colonel Wilson did not explain the reason for the forms inquiry or the interview. Lieutenant Batchelor then came into the office and he, Colonel Wilson and Captain Melvin sat in the Colonel's office for the interview to be conducted.

Investigators asked Captain Melvin about the parts of the interview when he was questioned about his alleged visit to the Easley residence. Lieutenant Batchelor asked Captain Melvin about a photograph of him at the Easley's private residence. Captain Melvin asked Colonel Wilson and Lieutenant Batchelor if they had a copy of the alleged photograph and they said that they did not. Lieutenant Batchelor was asking "very pre-text" questions and Colonel Wilson would "expand" on

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Lieutenant Batchelor's questions. Colonel Wilson asked Captain Melvin if he had been to the Easley residence off duty and in a private vehicle registered to Captain Melvin's father. Captain Melvin told Colonel Wilson that he had been to the Easley residence in his father's black Ford Crown Victoria. Colonel Wilson and Lieutenant Batchelor asked Captain Melvin about a box that he was allegedly carrying in the photograph. Captain Melvin told Colonel Wilson and Lieutenant Batchelor that he was carrying a box with a Central Processing Unit (CPU) and a brand new laptop that were both personally owned by Governor Easley and had been left at the Governor's Mansion when Governor Easley left office. When asked, Captain Melvin confirmed that he told Colonel Wilson and Lieutenant Batchelor that he was off duty when he went to the Easley residence.

Captain Melvin said that he was in uniform when he went to the Easley residence in his father's car to deliver the CPU and laptop. Captain Melvin could not recall the date in question that he went to the Easley residence. When asked, Captain Melvin stated his purpose for going to the Easley residence on this occasion was to set up Governor Easley's personal laptop computer on a wireless router and returning a Central Processing Unit back to Governor Easley. Captain Melvin said that the CPU was a "campaign" computer that had been sitting at the Governor's Mansion for the last two years and had been "wiped clean." Captain Melvin said he had been at the Governor's mansion visiting when Sergeant Wainright asked him if he minded taking the computer to former-Governor Easley house. He told Sergeant Wainright no problem and took the computer.

He stated he believed governor Easley must have asked for it back since Sergeant Wainright had asked him to take it back. But when asked by investigator if he had any knowledge of the discussion between Easley and Sergeant Wainright, he told investigators he had no idea what was said between them.

Captain Melvin then said that Governor Easley had contacted him and asked when he was going to bring his personal computer equipment. Captain Melvin said that he told Governor Easley that he needed to drive there in his personal vehicle. Captain Melvin said that Governor Easley was only concerned about his laptop.

When questioned, Captain Melvin stated that he went to the Easley residence with the computer equipment on a day that he was working. Captain Melvin stated he was in uniform, driving his father's car, and taking his meal break. Captain Melvin stated that he was off-duty because he was not able to "respond to anything in a personal vehicle. I made sure that I was in a personal vehicle when I went over there to run a personal errand." Captain Melvin said that his taking his meal break at the Easley residence was no different than taking his meal break at a restaurant or any other private residence. When asked about driving a personal vehicle, Captain Melvin responded, "I didn't know how long I was gonna be there."

Investigators pointed out to Captain Melvin that he had told Colonel Wilson and Lieutenant Batchelor on 24 March 2009 that he went to the Easley residence with the box in civilian clothes. Investigators asked Captain Melvin for clarification. Captain Melvin said that he recalled that he was in uniform and very seldom wore civilian clothes to work even though he drove his father's vehicle that day. (42:00-42:50) Captain Melvin stated he could have been mistaken when he told Colonel Wilson he was in civilian clothes while delivering the CPU to former Governor Easley's residence, but he now believes he was in uniform. (46:29 to 48:58)

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When asked, Captain Melvin stated that he knew that he was going to the Governor's private residence to take the computer equipment and drove his personal vehicle on the day of the alleged photograph. Captain Melvin indicated that he sometimes drove his personal vehicle to TSU out of convenience because he leaves his issued patrol car in Apex and his residence is in Southern Pines in Moore County. Captain Melvin indicated that he leaves his issued patrol car in Apex in order to abide by the Patrol's residency policy. Captain Melvin indicated that he also has placed his home for sale in order to move within the Patrol's residency policy.

When questioned about his visit to deliver the computer equipment to the Easley residence, Captain Melvin estimated that he was there for approximately thirty minutes. Governor Easley was at the residence. Regarding Governor Easley, Captain Melvin stated, "We were never friends. I'm a 'techno-geek' to him." Captain Melvin stated that he "synched" the laptop and the wireless router while Governor Easley worked on another laptop.

Investigators asked Captain Melvin again to clarify if he had been to Easley residence to deliver the computer in uniform or in civilian clothes. Captain Melvin stated that he had been to the Easley residence again, after the allegation of the picture, in the same vehicle, in civilian clothes, and off duty. Captain Melvin and Governor Easley went out in front of the residence to see where the photographer could have been.

When asked, Captain Melvin said that he was first informed of the alleged photograph by Lieutenant Batchelor on 24 March 2009. Captain Melvin said that he went to the Easley residence in civilian clothes after 24 March 2009. Captain Melvin said that he went on a second visit to finish the work on the same laptop and that he does not know if he was on duty on that day. Captain Melvin does not know the date. Captain Melvin said, "When Alvin told me on that Tuesday afternoon at TSU about the picture. Then, it had to have been after that."

Investigators asked Captain Melvin how many times he had been to Easley's private residence. Captain Melvin replied, "The best that I can recall, twice. To fix that computer, to fix that laptop, to sync it up to that wireless router."

Investigators then asked, "How many times have you been over there?" Captain Melvin replied, "Twice."

Captain Melvin was asked if he had been to the Easley residence prior to the two times that he went to deliver the CPU and laptop. Captain Melvin replied, "If I had, it was in my capacity with the Detail." Captain Melvin stated that he had been there in the beginning of the Easley administration because the Easley's' were still living in the private residence.

When asked, Captain Melvin stated that he had several conversations with Captain Clendenin. Captain Melvin stated that he had never been untruthful with Captain Clendenin during conversations pertaining to flight records or visits to the Easley residence. Captain Melvin stated that he answered Captain Clendenin's questions "truthfully and to the point." Captain Melvin stated, "I answered what was asked of me, nothing more, nothing less."

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When asked, Captain Melvin stated that he had several conversations with Lieutenant Batchelor. Captain Melvin indicated that he had been truthful with Lieutenant Batchelor during his forms review, search for records, and all questions that he asked.

When questioned, Captain Melvin indicated that he had been truthful with Colonel Wilson during all of his questions about flight records and his visit to the Easley residence. Captain Melvin said that Colonel Wilson never indicated that he had a problem with how Captain Melvin had answered questions about his visits to the Easley residence.

On 8 May 2009, Colonel Wilson and Captain Clendenin called Captain Melvin by telephone. Colonel Wilson conveyed to Captain Melvin how that he was concerned about *The News and Observer* and how they would portray Captain Melvin. Captain Melvin relayed to Colonel Wilson and Captain Clendenin that it was a matter of "clarification." Captain Melvin told Colonel Wilson and Captain Clendenin that they had asked him two different questions and gotten two different answers. Both Colonel Wilson and Captain Clendenin agreed with Captain Melvin's explanation. At that point, Colonel Wilson and Captain Clendenin advised Captain Melvin to be interviewed by Mr. Curliss. When asked, Captain Melvin stated that he took it as an order from Colonel Wilson to go to headquarters and be interviewed by Mr. Curliss.

When questioned, Captain Melvin confirmed that a 13 May 2009 online article in *The News and Observer* was an accurate depiction of the interview involving Mr. Curliss, Captain Clendenin, and Captain Melvin.

When asked, Captain Melvin confirmed that he went to the Easley residence on a day that he was working for the Highway Patrol and driving his father's personal vehicle. Captain Melvin stated that he was on his meal break during the visit and was delivering personal computer equipment to former-Governor Easley. Captain Melvin could not recall the time or date.

Captain Melvin stated that he has not seen a photograph of him at the Easley residence.

Investigators provided Captain Melvin with a CAD printout of his Work Schedule from the week of 16 February 2009. Captain Melvin confirmed that he worked ten hours on Wednesday, 18 February 2009, as indicated on the CAD printout. The 13 May 2009 *News and Observer* article by Mr. Curliss indicated that Captain Melvin was seen at the Easley residence with a box on 18 February 2009. Captain Melvin confirmed that if he did go on 18 February 2009, as alleged by Mr. Curliss, he would have gone during his meal break. When asked, Captain Melvin stated that he does not know if he went to the Easley residence on 18 February 2009. Captain Melvin did not tell Colonel Wilson or Captain Clendenin that he went to the Easley residence on 18 February 2009.

Captain Melvin was asked once more for clarification as to whether he went to the Easley residence in uniform or in civilian clothes. Captain Melvin responded, "The best that I can recall, I think was uniform...Whether I was in uniform or plain clothes, I was there on my meal hour. I do remember it wasn't a day off just to be running errands. I specifically drove my personal car that day for that reason."

Captain Melvin stated that during his phone conversation with Colonel Wilson and Captain Clendenin on 8 May 2009, both Colonel Wilson and Captain Clendenin agreed that Captain Melvin had given

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two different answers to two different questions and that he needed to come to Headquarters and tell Mr. Curliss. Captain Melvin continued, "I'm kind of stunned by this whole process. That on May the eighth, they both agreed this happened. But now, I'm getting called in and being charged for untruthfulness about a, no date, about a visit to the Governor's residence when it was all clarified on May the eighth... I'm kind of baffled at why I'm even sitting here."

Not applicable

SUPPLEMENTARY INFORMATION

At the 24:50 mark of the interview with Lieutenant A. H. Batchelor, Lieutenant Batchelor played his recording of the interview on 24 March 2009 involving Colonel Wilson, Captain Melvin and himself. At the 56:20 mark, the recorded interview with Captain Melvin ends.

This investigation did not reveal the missing 2005 flight records from the Governor's Mansion.

This investigation did not reveal the exact date Captain Melvin is alleged to have visited former Governor Easley's private residence.

Not applicable

SUPPORTING DOCUMENTS

Memorandum from Captain P. A. Poole to Major G. D. Hayes
Memorandum from Major M. W. Gilchrist to Major G. D. Hayes
Copy of Personnel Complaint (HP-307)
Copy of Member's Statement (HP-326B1)
Copy of Highway Patrol Policy Directives H.1 and H.2
Copy of NCSBI's Off-line DCI search of North Carolina registration VVW-7222
Copy of United States District Court subpoenas for Captain Melvin to testify before a Grand Jury and to provide documents related to Governor Mike Easley's travel
Copy of Computer Screen printout proved by OA-IV Diane Bumgardner
Copies of online News and Observer articles from 9 May 2009, 12 May 2009, and 13 May 2009
Copy of CAD printout of Captain J. A. Melvin's schedule for the week of 16 February 2009
Copy of "An Overview of Executive Protection's Filing System Pertaining to Travel" completed by Lieutenant A. H. Batchelor
Copy of "Summary of Form Inquiry" completed by Lieutenant A. H. Batchelor
Copies of email correspondence between Captain R. E. Clendenin and Mr. Andy Curliss from The News and Observer from 6 January 2009 through 19 May 2009

Not applicable

INTERVIEW LIST

Colonel W. J. Wilson Jr.
4702 Mail Service Center
Raleigh, North Carolina 27699
(919) 733-7952

Captain R. E. Clendenin
4702 Mail Service Center
Raleigh, North Carolina 27699
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North Carolina
State Highway Patrol

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Raleigh, North Carolina 27699
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Lieutenant A. H. Batchelor
4702 Mail Service Center
Raleigh, North Carolina 27699
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Sergeant D. P. Wainright
2617 North Wesleyan Boulevard
Rocky Mount, North Carolina 27804
(252) 446-8144

OA-IV Diane Bumgardner
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Beverly Eaves Perdue
Governor
Reuben F. Young
Secretary
Walter J. Wilson, Jr.
Colonel

North Carolina
Department of Crime Control and Public Safety
State Highway Patrol

Location:
512 N. Salisbury Street
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(919) 733-7952

Mailing Address:
4702 Mail Service Center
Raleigh, NC 27699-4702

Internal Affairs

12 May 2009

MEMORANDUM

TO: MAJOR G. D. HAYES

FROM: CAPTAIN P. A. POOLE *PAP*

RE: COMPLAINT MADE BY CAPTAIN P. A. POOLE AGAINST CAPTAIN J. A. MELVIN, REGISTRY #2168 (IA-09-055)

Attached is a Personnel Complaint (HP-307) alleging a Serious Personal Conduct violation of Directive N^o. H. 1, Section VII (Truthfulness) on the part of Captain J. A. Melvin. The Internal Affairs Unit will investigate this complaint.

Captain Melvin should be informed that he is the subject of an investigation. He should read and initial the HP-307 and be thoroughly familiar with Directive N^o. H.1, Section XXXV and Directive N^o. H.2. Captain Melvin is hereby ordered not to discuss this complaint or any aspects of this investigation with the complainant, the complainant's witnesses or persons not involved in this investigation.

You are to inform Captain Melvin that this investigation is not limited to these specific allegations but may extend to other sections of the Highway Patrol Code of Conduct revealed by this investigation. Captain Melvin should immediately prepare a written statement addressing the allegations set out in the HP-307 and provide names of any witnesses on his behalf. In like manner, he should have any evidence on his behalf pertaining to this matter ready to present to investigators.

This memorandum and attachments are for your use and information in carrying out the instructions listed above. You are instructed to serve these documents on the accused (Captain Melvin). He should initial, date, and receive a copy of each item. After the documents have been served, please return the original signed documents to the Internal Affairs Unit.

PAP:bwt

Attachment

cc: Captain J. A. Melvin ✓



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Law Enforcement Oath of Honor

On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution, my community, and the agency I serve.

Beverly Eaves Perdue
Governor
Reuben F. Young
Secretary
Walter J. Wilson, Jr.
Colonel



North Carolina
Department of Crime Control and Public Safety
State Highway Patrol

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512 N. Salisbury Street
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Mailing Address:
4702 Mail Service Center
Raleigh, NC 27699-4702

Administrative Services

15 May 2009

MEMORANDUM

TO: MAJOR G. D. HAYES

FROM: MAJOR M. W. GILCHRIST *MWG*

RE: ADMINISTRATIVE DUTY - CAPTAIN J. A. MELVIN
(REGISTRY NO. 2168 POSITION NO. 60085173)

Effective Monday, 18 May 2009, Captain J. A. Melvin, Technical Services Unit, Raleigh, will be placed on Administrative Duty at the Technical Services Unit in Raleigh.

Captain Melvin should report to you at the Technical Services Unit in Raleigh at 8:00 a.m. on Monday, 18 May 2009 for briefing and assignment.

MWG

cc: Secretary Reuben F. Young
Commanders Office
Lieutenant Colonel W. R. Glover
Major W. R. Scott



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Law Enforcement Oath of Honor

On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution, my community, and the agency I serve.

North Carolina
State Highway Patrol

PERSONNEL COMPLAINT


Date and Time Received by I. A.:	
Date Closed:	

COMPLAINANT IDENTIFICATION	
Name:	Captain P. A. Poole
Home Address:	
Business Address:	4702 Mail Service Center, Raleigh, North Carolina, 28699
Home Telephone:	
Business Telephone:	
Other Information:	

ACCUSED IDENTIFICATION					
Rank / Name:	Captain J. A. Melvin	Reg. #:	2168	Troop / District:	XX-TS
Rank / Name:		Reg. #:		Troop / District:	
Rank / Name:		Reg. #:		Troop / District:	

COMPLAINT RECEIVED BY						
Rank / Name:	Captain P. A. Poole		Reg. #:	2433	Troop / District:	X2
Date:	May 12, 2009	Time:	9:00 a.m.	Communication Media:	Verbal	

DETAILS OF THE COMPLAINT
<p>It is alleged that Captain J. A. Melvin provided false and misleading information surrounding his visit to former Governor Michael F. Easley's personal residence in Raleigh, North Carolina.</p>

 5/12/09

MEMBER'S STATEMENT

Section: Support Services Section Unit: Technical Services Unit
 Rank / Name: Captain Jonathan A Melvin Registry #: 2168
Rank First Name M.I. Last Name

Statement

On Tuesday, 12 May 2009 at 1133am I was served with a HP-307 Personnel Complaint for provding false and misleading information surrounding a visit I made to former Governor Michael F. Easley's personal residence in Raleigh, North Carolina and this is my statement...

CELL PHONE CONVERSATION WITH CAPTAIN EVERETT CLENDENIN - 1ST QTR 2009

Sometime during the 1st Quarter 2009, Captain Everett Clendenin called me on my cell phone while at the Technical Services Unit. I stepped outside in the courtyard of the Building 2 for better reception. Captain Clendenin stated in the phone call to me that he had received a call from Andrew Curliss of the News & Observer writing an article about Governor Mike Easley. Captain Clendenin stated that Andrew Curliss wanted to interview me personally about the news article he was writing. I told Captain Clendenin I had nothing to say to Andrew Curliss and that I would not be interviewing with him. Captain Clendenin then asked if I wanted to call Andrew Curliss to tell him that myself. I stated no, that information should be routed through the Public Information Officer. Captain Clendenin then asked "if I had ever been to the Governor Easley's residence recently on-duty, in a patrol car?", and I stated "no, I had not." Captain Clendenin acknowledged my response. I then explained to Captain Clendenin a "run-in" I had with Andrew Curliss while I was the Detail Leader for the EPD. Andrew Curliss attempted to enter the residential property occupied by the Governor and First Lady Easley during the renovation of the Executive Mansion (2005-2006 time frame). Andrew Curliss mis-represented himself by stating he was there (rear entrance to the Bailey Tucker House) "to see a friend." I asked Mr. Curliss to identify himself and he did. I identified myself and told him "he did not have any friends that lived at that residence", and he needed to leave the property. Andrew Curliss insisted on knowing Governor Easley's whereabouts and I stated "the Governor's Mansion is located at 200 North Blount Street." Andrew Curliss left the property. This incident occurred in late '05/early '06.

CELL PHONE CONVERSATION WITH COLONEL WALTER WILSON - TUESDAY, 3/10/09

On Tuesday March 10th, 2009, Colonel Walter Wilson, Jr. called me on my cell phone. Colonel Wilson inquired about the State Interoperability Executive Committee (SIEC) meeting that had occurred that day and also questions about VIPER in general. Colonel Wilson then asked me about the Executive Protection Detail while I was the detail leader and more specifically the documentation of private flights as it pertains to a newspaper article being prepared by Andrew Curliss. I explained to Colonel Wilson during this phone conversation how, during 2004, OA-IV Debra Tingen was retired and then was allowed to come back on a personal services contract. As a result of her contract hours and affecting retirement, Debra Tingen had to stop working a couple of months prior to the election. With no OA-IV, I used a version of the Executive Aircraft Division's Flight itenerary, changed the format and used it as a "private" flight itenerary in order to be better organized and prevent the possibility of missed flights. In the cell phone conversation, I stated to Colonel Wilson that after the election was over (2004), I didn't use the form after the election due to the fact that "private" flights were almost non-existent after the election. (that was based on my recollection of 4.5 years ago). Colonel Wilson questioned me if I was sure about the use of the "private" flight itenerary and I stated "I was sure."

Initials: AM Date: 5/12/09 Signature: [Signature] Continued: Yes No
 Reference: AN MELVIN'S STATEMENT Page: 1 of 3

Supplement Page

INTERVIEW WITH LIEUTENANT ALVIN BATCHELOR IN MY OFFICE - MONDAY, 3/23/09 (appx)

On or about Monday, March 23rd, 2009 Lieutenant Alvin Batchelor came to my office to ask me questions about EPD documentation and private flights and questioned me about a particular flight in 2005 to Florida. I stated the only flight I made (not sure if it was 2005) was with First Lady Mary Easley & Dept of Cultural resources staff to West Palm Beach FL. I remember this particular trip, because I substituted for Troper Harold Ray Long at the last minute due to his father's illness. Lieutenant Batchelor then asked specifically if I knew about a trip in the fall of 2005. I stated I did not and during the fall of 2005 I was absorbed with the planning details of the Governor's Education Symposium, Charlotte, NC.

INTERVIEW WITH LIEUTENANT ALVIN BATCHELOR IN MY OFFICE - TUESDAY, 3/24/09

On Tuesday, March 24th, 2009, Lieutenant Alvin Bathelor came to TSU. Major Greg Hayes and myslef were giving a tour of the Unit to CCPS Assistant Secretary Rhonda Raney. After the tour I met Lieutenant Alvin Bathelor in my office. Lieutenant Batchelor stated that he needed to ask follow-up questions from the prior interview and these questions were drafted by Colonel Wilson for Leiutenant Batchelor to ask of me. Lieutenant Batchelor then stated he would need to record the clarification interview. I asked Lieutenant Batchelor if I was being charged with anything or was this an "official" Internal Affairs investigation. Lieutenant Batchelor stated neither and that he was here to ask questions on behalf of Colonel Wilson. I requested through Lieutenant Batchelor and that I meet with Colonel Wilson directly, that I had nothing to hide. Lieutenant Batchelor used the phone in my office and contacted Colonel Wilson and he relayed my request. Lieutenant Batchelor hung up the phone and said for me to be in Colonel Wislon's office at 5pm that afternoon/evening.

INTERVIEW WITH COLONEL WALTER WILSON & LIEUTENANT ALVIN BATCHELOR IN COLONEL WILSON'S OFFICE - TUESDAY, 3/24/09

On Tuesday, March 24th, 2009, I reported to Colonel Wilson's office at 5pm. Lieutenant Colonel Hatcher was there and I asked Lieutenant Colonel Hatcher if this was an "official" Internal Affairs investigation. Lieutenant Colonel Hatcher stated it was not, but there was a need to tape record for documentation purposes. Colonel Wilson arrived with Lieutenant Batchelor and Lieutenant Colonel Hatcher excused himself for the day. During this interview, Lieutenant Batchelor asked "prepared" questions about the operations of the Executive Protection Detail and Colonel Wilson asked clarification and/or follow-up questions. One of the questions was about the use of the "private" flight form and I stated (just as I did in the cell phone conversation with Colonel Wilson on 3/10/09) that I thought we (EPD) quit using the form after the 2004 election. Colonel Wilson stated that was not what Sergeant David Wainright had indicated. I stated that I would go with whatever Sergeant Wainright had told him since I had been gone from EPD operations for 2 years and could not recall using a form from 4.5 years ago. Colonel Wilson asked me about how files electronically were set up on the shared drive; I was able to recall some portions of the process of setting up electronic files of the EPD movements by year/month/political VS state events. Colonel Wilson then asked me why there was no paperwork on certain movements. I explained, it was all about how the movement came into the EPD for processing. I used an example of when I called Colonel Wilson when he was the Troop "A" Captain during the evening to arrange a series of Hurricane follow-up visits for Governor Easley the next day. Case-in-point, there was very little, if any, paperwork generated for these type movements. Lieutenant Batchelor asked me about a photograph of me visiting the Governor's private residence. Colonel Wilson clarified by asking if I had visited the Governor's residence in Raleigh, while off-duty in a private vehicle "registered to your father". I confirmed that "yes, I had driven that car to Governor Easley's residence". Colonel Wilson stated that Andrew Curfiss of the News & Observer had a picture of me and I requested to see the picture. Colonel Wilson stated that he did not have nor had he seen the picture in question, but had been told about the picture. Lieutenant Batchelor asked about a "box" I was carrying in the picture. I stated I was carrying a Central Processing Unit (CPU) component of a desktop computer that was personally owned by Governor Easley. Colonel Wilson asked me why I went to Governor's Easley residence, and I stated, "to return the computer."

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Supplement Page

CELL PHONE CONVERSATION WITH COLONEL WALTER WILSON – 4/20/09

On Monday, April 20th, 2009, Colonel Wilson called me on my cell phone about to inquire about missing EPD movement files from 2005. Colonel Wilson stated Lieutenant Alvin Batchelor had been at the EPD on Friday, April 17th, 2009 and Diane Bumgardner (EPD OA-IV) had indicated that she had made a CD of backup files while the EPD was occupying the "blue tarp house" and the Mansion was being renovated (2005/2006). Diane Bumgardner had indicated in the follow-up interview that she had given the CD to me.

I told Colonel Wilson that I did not recall the CD in question from 3-4 years ago. Colonel Wilson requested that I search for CD and I immediately searched all over for the CD and was not able to locate it. I called Colonel Wilson back and advised him I did not have the CD in question nor recalled being given the CD. Colonel Wilson asked if I could remember what I did with it. I explained to Colonel Wilson it had been 3-4 years ago and I do not remember the CD, or what had happened to it. Colonel Wilson then asked me to explain how the entire 2005 EPD movement files had disappeared from the shared Mansion folder. I stated that "I do not know and I haven't had access to that shared file folder since April 2007."

PHONE CONVERSATION WITH COLONEL WALTER WILSON & CAPTAIN EVERETT CLENDENIN – 5/8/09

On Friday morning, May 8th, 2009, Colonel Wilson and Captain Everett Clendenin called me on my cell phone while they were on a speaker phone in Colonel Wilson's office. I requested to call them back on a land line due to the lack of cell coverage. I called them on a phone and Captain Everett Clendenin stated Andrew Curliss was going to run a story on Saturday 5/9/09 about Governor Easley. Colonel Wilson then stated that Andrew Curliss was going to "make me look like a liar" and that he was calling me because he cared about how that would look in the paper. Captain Clendenin clarified the statement stating that I had told Captain Clendenin "No" about going to the Governor Easley's house and had told Colonel Wilson "yes" about going to Governor Easley's house. I then stated while Captain Clendenin and Colonel Wilson were on the phone that I responded "no" to Captain Everett Clendenin's question about "going to the Governor's residence while on-duty in a patrol car" and I responded "yes" to Colonel Wilson's question of "going to the Governor's residence in a private vehicle owned by your father". Colonel Wilson and Captain Clendenin both said in unison, "Yes, that's correct". By Colonel's request, I then drove to the Archdale Building to clarify a question, on the phone, with Andrew Curliss, with Captain Everett Clendenin facilitating the call.

PHONE INTERVIEW WITH ANDREW CURLISS IN COLONEL'S OFFICE WITH CAPTAIN EVERETT CLENDENIN – 5/8/09

I met Captain Clendenin in Colonel Wilson's office. We sat at the Colonel's conference table before making the call to Andrew Curliss. Colonel Wilson was not present. Captain Clendenin stated "Andrew Curliss talks very *nasty* about you for some reason." Captain Clendenin stated that Andrew Curliss may want to ask other questions about the article and I stated "I am here to clarify the question about me shown as a liar and that was the only item I was addressing." Captain Clendenin called Andrew Curliss. Andrew Curliss asked me about a 2005 flight. I stated "authority of Colonel Wilson, I am here to clarify one question", Captain Clendenin shook his head in agreement. Andrew Curliss then asked about EPD protocol. I stated, "authority of Colonel Wilson, I am here to clarify one question", Captain Clendenin shook his head in agreement. Andrew Curliss then said "clarify the question" and I did per the reference to the two (2) different questions asked by Captain Clendenin and Colonel Wilson about going to Governor Easley's residence.

Never, at any time, did I state to Andrew Curliss that I "misunderstood" any questions asked of me by Colonel Wilson or Captain Clendenin, as quoted in a 5/9/09 N&O article.

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Rules of Personal Conduct and Job Performance

CALEA Chapters 12; 26; 35

Directive H.1

Revised 04/08/08
Effective 08/27/99

I. POLICY

This policy establishes policies and rules for governing the conduct and performance of Patrol members. (CALEA 12.2.1; 35.1.9)

II. GENERAL POLICIES AND PROCEDURES (CALEA 26.1.1; 35.1.9)

The Highway Patrol Rules of Personal Conduct and Job Performance shall govern the official and unofficial actions of each uniformed member of the Patrol. All members shall conduct themselves, both on and off duty, in a manner which will not in any way reflect negatively upon the professional image of the Patrol or of any of its members.

Each member charged with a violation of the rules of conduct or job performance should be charged with a violation under a specific section, when applicable. Any member against whom a charge is filed shall be given notice of the specific section he/she is alleged to have violated. A member charged with violating one of the specific subsections in this directive shall not also be charged with violating Sections III (Conformance to Laws), IV (Violation of Rules), V (Unbecoming Conduct), or VI (Unsatisfactory Job Performance) for the same conduct.

If an investigation reveals that a member has not violated the subsection under which he/she is charged but has instead violated some other subsection, or that the member should be charged with a different type of violation, the investigator shall contact the Unit Commander of Internal Affairs for directions as to how to proceed.

An accumulation of disciplinary actions taken against a member may be deemed sufficient cause for dismissal, demotion, or other disciplinary or administrative action as provided in this manual.

III. CONFORMANCE TO LAWS (CALEA 26.1.1)

Each member shall obey the laws of the United States, the State of North Carolina and of local jurisdictions. If facts revealed by a thorough investigation indicate there is substantial evidence that a member has committed acts which constitute a violation of a civil or criminal law, ordinance, or infraction other than a parking ordinance, then the member may be deemed to have violated this subsection, even if the member is not prosecuted or is found not guilty in court.

The reporting provisions located in Directive H.2, Section V, "Employee Criminal Charges / Arrest Notification Procedures" shall be adhered to.

IV. VIOLATION OF RULES (CALEA 26.1.1)

Members shall not commit any act or fail to perform any act which would constitute a violation of any of the rules, regulations, directives, orders, or policies of the Patrol, whether or not they are stated in this directive. Ignorance of Patrol rules, regulations, directives, orders, or policies shall not justify any such violation. Members shall be responsible for their own acts, and they shall not unjustly attempt to shift to others the responsibility for executing or for failing to execute a lawful order or a Patrol duty.

V. UNBECOMING CONDUCT (CALEA 26.1.1; 35.1.9)

Members shall conduct themselves at all times, both on and off duty, in such a manner as to reflect most favorably upon the Highway Patrol and in keeping with the high standards of professional law enforcement. Unbecoming conduct shall include any conduct that constitutes unacceptable personal conduct pursuant to State Personnel Policy and any conduct which tends to bring the Patrol into disrepute, or which reflects discredit upon any member(s) of the Patrol, or which tends to impair the operation and efficiency of the Patrol or of a member, or which violates Patrol policy.

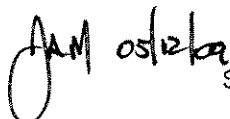
VI. UNSATISFACTORY JOB PERFORMANCE (CALEA 26.1.1; 35.1.9)

Members shall maintain sufficient competency to properly perform their duties and to assume the responsibilities of their positions. Members shall perform their duties in a manner, which will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Patrol.

Examples of unsatisfactory performance include but are not limited to the following:

- Failure to properly supervise subordinates
- Lack of knowledge of the proper application of laws the member is required to enforce
- Unwillingness or inability to perform assigned tasks
- Failure to conform to work standards established for the member's rank, grade, or position
- Failure to take appropriate enforcement action at any time
- Absence without leave
- Unnecessary absence from assigned duty

The following will be considered prima-facie evidence of unsatisfactory performance:



- Repeated poor job performance evaluations
- Repeated infractions of policy, regulations, manuals, or directives

VII. TRUTHFULNESS (CALEA 26.1.1)

Members shall be truthful and complete in all written and oral communications, reports, and testimony. No member shall willfully report any inaccurate, false, improper, or misleading information.

VIII. COURTESY (CALEA 26.1.1; 61.1.8,)

Members shall be as courteous to the public as possible. Members shall be tactful in the performance of their duties. They shall exercise the utmost patience and discretion in performing their duties and shall be as polite as possible with the public. While in uniform, members shall not use coarse, violent, profane, obscene, or insolent language or gestures and shall not publicly express any prejudice concerning race, religion, politics, national origin, life style, or similar personal characteristics.

IX. ABUSE OF POSITION (CALEA 26.1.1)

Members are prohibited from using their official positions or their official identification cards and badges for:

- Intimidating or harassing of anyone for personal reasons
- Obtaining privileges not otherwise available to them or to someone else
- Avoiding the consequences of illegal acts

Members are prohibited from lending their identification cards or badges or any replica thereof to another person or permitting these items to be photographed or reproduced.

X. SEEKING OR ACCEPTING GIFTS, FAVORS, OR BRIBES (CALEA 26.1.1)

Except as authorized by Directive H.3, members shall neither solicit nor accept from any person, business, or organization any gift, favor, or bribe.

XI. USE OF ALCOHOLIC BEVERAGES (CALEA 26.1.1)

Members shall not ingest any intoxicant while in uniform.

Members shall not appear for duty or be on duty while under the influence of intoxicants to any degree whatsoever, nor shall they have any odor of intoxicants on their breath.

Members shall not bring or allow to be brought into or store alcoholic beverages in any Patrol facility or vehicle, except alcoholic beverages which are being held as evidence, and then only in conformance with Patrol procedures.

XII. USE OF ALCOHOLIC BEVERAGES WHILE OFF DUTY (CALEA 26.1.1)

While off duty, members shall refrain from ingesting any intoxicants to the extent that such ingestion results in appreciable impairment which would tend to discredit the member or the Patrol or to render the member unfit to report for his/her next regular tour of duty, including having any amount of intoxicant in his/her system.

XIII. USE OF DRUGS (CALEA 26.1.1)

Members shall not ingest any illegal controlled substance that is illegal under State or federal law.

Members shall not ingest any controlled substance without a prescription.

Members shall not ingest any prescribed drug(s) in amounts above prescribed dosage.

Members shall not possess any illegal controlled substance or any controlled substance without a prescription other than for evidentiary purposes and then only in conformance with Patrol procedures.

Members shall not knowingly use performance enhancing drugs (Anabolic-Androgenic Steroids, Testosterone, Human Growth Hormone) or any other controlled substance that may be used for the purpose of performance enhancement, unless prescribed for use as a medical necessity by a board certified physician who is licensed by the State that he/she generally practices medicine. Except in emergency, life and death circumstances, members who have a prescription for any performance enhancing drug must consult with the Patrol's Medical Director prior to using the drug. Members who are prescribed any performance enhancing drug will not be allowed to report for duty without prior approval of the Medical Director.

XIV. CONFIDENTIALITY OF INFORMATION (CALEA 26.1.1)

Members shall treat the official business of the Patrol as confidential. Information regarding official business shall be disseminated only to those persons for whom it is intended and only in accordance with established Patrol procedures. Members may remove and/or copy official records or reports from Patrol files or from Patrol installations only in accordance with established State Personnel, Departmental, and Patrol procedures. Members shall not divulge the identity of persons giving confidential information except when properly authorized for the performance of Patrol duties.

XV. REPORTING FOR DUTY (CALEA 26.1.1)

Members shall report for duty at the time and place required by assignment or orders and shall be capable of performing their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so that they can immediately assume their duties. A subpoena or order to appear in court or at an administrative hearing shall constitute an order to appear for duty as provided in this section.

XVI. FICTITIOUS ILLNESS OR INJURY (CALEA 26.1.1)

Members shall not feign illness or injury, falsely report themselves ill or injured or otherwise deceive or attempt to deceive any official of the Patrol as to the condition of their health.

XVII. HIGHWAY PATROL REPORTS (CALEA 26.1.1)

Members shall submit all necessary reports on time and in accordance with established Patrol procedures.

XVIII. INSUBORDINATION (CALEA 12.1.3; 26.1.1)

Members shall promptly obey any lawful order of a superior officer. This will include orders relayed from a superior officer by an employee of the same or lesser rank. Any disrespectful, mutinous, insolent or abusive language, conduct, or attitude directed toward a superior officer or the authority or the position shall be considered insubordination.

XIX. CONFLICTING OR ILLEGAL ORDERS (CALEA 12.1.3; 26.1.1)

Members who are given an order, which is in conflict with a previous order, rule, regulation, directive or manual shall respectfully point out the conflict to the officer issuing the order. If the superior officer issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for issuing and carrying out a conflicting order shall rest upon the superior officer. Members shall obey the conflicting order and shall not be held responsible for disobedience of the order previously issued. Members shall not obey any order that would require them to commit any illegal act. If in doubt as to the legality of the order, members shall request the issuing officer to clarify the order or shall confer with a higher authority.

XX. OPERATION OF VEHICLES AND AIRCRAFT (CALEA 26.1.1)

Members shall operate official vehicles and aircraft in a careful and prudent manner and shall obey all laws of the State, Federal Regulations, and all Patrol policy pertaining to such operation.

XXI. USE OF PATROL EQUIPMENT (CALEA 26.1.1)

Members shall utilize Patrol equipment only for its intended purpose in accordance with established Patrol procedures and shall not deliberately or through carelessness, abuse, damage, or lose Patrol equipment. All Patrol equipment issued to members, including manuals, shall be maintained in proper order.

Members shall immediately notify the Director of Support Services Section via chain-of-command of any Patrol equipment that is lost or damaged.

A member may receive disciplinary action for lost, damaged, or stolen equipment when caused by negligence of the member. The member's immediate supervisor shall investigate and make recommendations to the appropriate Section Director/Troop Commander. The appropriate Section Director/Troop Commander, with the advice and assistance of the Unit Commander of Internal Affairs will determine whether to conduct a further investigation.

If it is determined that a member was negligent, disciplinary action may be imposed against the member for lost, damaged or stolen equipment. In appropriate circumstances, the State Highway Patrol may take or seek additional appropriate action against the negligent member to obtain restitution.

XXII. REQUESTS FOR ASSISTANCE (CALEA 26.1.1)

When any person applies for assistance or advice, either by telephone or in person, members while on duty or in uniform shall accept all pertinent information in an official and courteous manner and will properly and judiciously act upon such information in a manner consistent with established Patrol procedures.

XXIII. IDENTIFICATION (CALEA 26.1.1)

Members while on duty, while in uniform, or while acting in the capacity of a law enforcement officer shall furnish their names and other identification to any person requesting that information except when the withholding of such information is necessary for the performance of Patrol duties.

XXIV. CITIZEN COMPLAINTS (CALEA 26.1.1; 35.1.9)

Members shall courteously and promptly accept and record complaints made by citizens against any member or any Patrol policy or procedure in accordance with Patrol policy.

XXV. CONDUCT WHILE UNDER INVESTIGATION (CALEA 26.1.1)

Any member being investigated for any reason shall cooperate with investigating officers and shall be subject to the policy set forth in this manual.

XXVI. NEGLIGENCE OF DUTY (CALEA 26.1.1)

Members shall not be inattentive to duty nor neglect their duties. Members shall not engage in any activities or personal business which would cause them to neglect or be inattentive to duty or which would impair their ability to perform such duty.

A supervisor's failure to take appropriate action when he/she has personal knowledge of violations of the Rules of Personal Conduct and Job Performance by subordinates; shall be considered serious neglect of duty.

XXVII. ASSOCIATIONS (CALEA 26.1.1)

Members shall avoid regular or continued association or dealings with persons whom they know, or should know, are under criminal investigation or indictment or who have a reputation for ongoing involvement in felonious or criminal behavior, except as necessary in the performance of official duties.

XXVIII. VISITING PROHIBITED ESTABLISHMENTS (CALEA 26.1.1)

Members shall not willfully visit, enter, or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, the State of North Carolina, or the local jurisdiction are regularly violated or reputed to be regularly violated, except in the performance of duty or while acting under proper and specific orders from a superior officer.

XXIX. GAMBLING (CALEA 26.1.1)

Members shall not engage in any form of gambling which is in violation of federal, State, or local laws.

XXX. PAYMENT OF DEBTS (CALEA 26.1.1)

Members shall not undertake any financial obligations which they know or should know they will be unable to meet and shall pay all just debts promptly. An isolated instance of financial irresponsibility will not be grounds for discipline except in unusually severe cases. However, repeated instances of financial irresponsibility shall be cause for disciplinary action.

Financial difficulty stemming from unforeseen medical expenses or personal disaster shall not be cause for discipline, provided that the member is making a reasonable, good faith effort to settle all accounts.

Members shall not become financially obligated to subordinates or supervisors.

XXXI. ENDORSEMENTS AND REFERRALS (CALEA 26.1.1)

Members shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service such as an attorney, ambulance service, towing service, bondsman or mortician.

In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or requests assistance, members shall proceed in accordance with established Patrol policy.

XXXII. PUBLIC APPEARANCES AND STATEMENTS (CALEA 26.1.1)

Members shall not publicly criticize or ridicule the Patrol, its policies, or other members by speech, writing, or other expression when such criticism or ridicule directly or visibly affects or would reasonably be expected to directly or visibly affect the operation of the Patrol.

Without official approval, members shall not address gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or periodical, or release or divulge investigative information or any other matters pertaining to the Patrol while holding themselves out as having an official capacity in such matters. Official approval may be given to conduct highway safety programs and otherwise release information concerning highway safety matters so long as this activity does not conflict with the official position of the Highway Patrol.

XXXIII. LABOR ACTIVITIES (CALEA 26.1.1)

Members shall have the right to join labor organizations, but nothing shall compel the Patrol to recognize or to engage in collective bargaining with any such labor organizations except as provided by law.

Members shall not engage in any strike. Strike includes the concerted failure by more than one member to report to duty, willful absence from one's position, unauthorized holidays, feigned sickness, the stoppage of work, and improper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

XXXIV. SEEKING PREFERENTIAL TREATMENT (CALEA 26.1.1)

Members shall not solicit petitions, influence, or intervene with any person outside the Highway Patrol for purposes of preferential treatment, advantage, transfer, advancement, promotion, or change of duty or duty station for themselves or for another member. Members should not knowingly encourage others to take such action on their behalf.

XXXV. OBSTRUCTION OF INVESTIGATION (CALEA 26.1.1)

Patrol members shall not intentionally delay or obstruct the Patrol's response to a complaint or minimize the importance of a problem being complained against or obstruct the proper investigation of a problem which is the subject of a complaint. Patrol members shall not refuse to answer any question which is narrowly and directly related to any matter under investigation.

Investigation of Complaints and Charges Against Highway Patrol Members

Directive H.2

Revised 07/15/08
Effective 11/01/98

CALEA Chapters 26; 35; 52

I. POLICY

This policy provides guidelines for accepting, recording, resolving, and forwarding complaints.

II. ACCEPTING, RECORDING, RESOLVING, AND FORWARDING COMPLAINTS (CALEA 26.1.8)

Accepting Complaints (CALEA 35.1.9; 52.1.1; 52.1.4; 52.2.1)

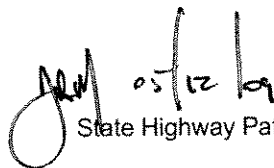
- A complaint or charge against a member may originate from within the Patrol or from the general public. Charges from within the Patrol shall be processed as hereinafter provided in this directive. Complaints from the general public shall be courteously accepted by any member of the Patrol and shall be processed as hereinafter provided in this subchapter. No member shall attempt to dissuade any person from lodging a complaint. A supervisor has the obligation to investigate possible violations of policy even if the person providing the information does not want a complaint filed.

Resolving Complaints Based on Misunderstanding of Patrol Policy

- In the case of complaints involving a misunderstanding of traffic laws or Patrol policy on the part of the complainant, the member receiving the complaint shall attempt to resolve the complaint by explaining the law or the policy to the complainant. If unable to resolve the complaint, the member shall refer the complaint to his/her supervisor, who shall attempt to resolve it. If the supervisor is unable to resolve it, the supervisor shall refer the complaint on up the chain-of-command.

Recording Complaints Alleging Violation of Code of Conduct

- If the complaint involves a possible violation of the Rules of Personal Conduct, Grossly Inefficient Job Performance, or Job Performance by any member of the Patrol, the member receiving the complaint shall accept the complaint, record the information and forward the information to his/her appropriate supervisor, who shall be responsible for completing a Personnel Complaint (HP-307), if warranted, after consultation with the appropriate Section Director/Troop Commander. Such a complaint shall be accepted and recorded even when the identity of the complainant and/or the member is unknown.



Handwritten signature and date: 05/12/09

- If the complainant indicates no desire to make a formal complaint but has indicated a violation of Patrol policy by a member, this information must be transmitted to a supervisor. The supervisor must document the information and determine if such information warrants further inquiry to determine if a complaint should be filed by the supervisor. If the supervisor determines a violation of policy may have occurred, the supervisor shall complete the HP-307, after consultation with the appropriate Section Director/Troop Commander.

Forwarding Complaints Alleging Violation of Code of Conduct (CALEA 52.2.4)

- After completing a HP-307, the supervisor shall immediately forward the original HP-307 of the affected member and any other appropriate documents to the Unit Commander of Internal Affairs, the Unit Commander of Internal Affairs shall acknowledge the receipt of all complaints to the complainant. Upon conclusion of the investigation, the complainant shall be notified that the investigation has been completed.
- If it appears that an internal investigation will exceed thirty (30) calendar days and after each extension granted, a letter indicating the status shall be mailed to the complainant by the Unit Commander of Internal Affairs.

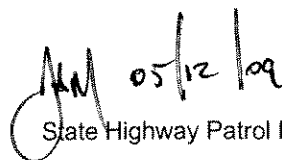
Classifying and Assigning Complaint Investigations (CALEA 52.2.1)

- The Unit Commander of Internal Affairs shall classify the alleged complaint as a Personal Conduct, Grossly Inefficient Job Performance, or Job Performance violation and direct an investigation. When an investigation is assigned to supervisors other than Internal Affairs personnel, the Section Director/Troop Commander shall designate the level of supervisory personnel to conduct the investigation.

III. INVESTIGATION OF COMPLAINTS AT THE DISTRICT, TROOP, OR EQUIVALENT STAFF LEVEL (CALEA 26.1.5)

Designation of Investigator (CALEA 52.2.1)

- The supervisor responsible for imposing disciplinary action against a member accused of a Personal Conduct, Grossly Inefficient Job Performance, or Job Performance violation may designate a subordinate within the supervisor's command to investigate the complaint. An investigator must hold at least the rank of Sergeant. In complex investigations, any supervisor may request that the Internal Affairs Unit at Patrol Headquarters in Raleigh assist or take charge of, any specific investigation.

 05/12/09

Conduct of the Investigation

- Before permitting the investigation to begin, the supervisor of the member being investigated shall notify the member of the investigation except in cases where such notification would jeopardize the investigation. Should the member admit the conduct alleged and that such conduct is, in fact, a violation of policy, then the supervisor, in consultation with Internal Affairs, may impose the appropriate disciplinary action without further investigation. In the event the member denies the violation with which the member is charged, the investigation shall proceed as hereinafter provided.
- The member shall be given an opportunity to supply the investigator with evidence or witnesses favorable to the member. No decision as to whether or not the member violated the rules of Personal Conduct, Grossly Inefficient Job Performance, or Job Performance shall be made against a charged member until the member has had a reasonable opportunity to produce evidence or witnesses and has had an opportunity to explain the member's actions.
- The member chosen to investigate the case shall not go outside the member's assigned jurisdiction or neglect regular duties in order to carry out such investigation without the authority of the immediate supervisor. No investigative action shall be taken in any case where it might jeopardize a simultaneous or subsequent investigation.
- The investigator shall make every effort to complete the investigation within 30 calendar days. If unable to do so, the investigator shall inform the supervisor requesting the investigation who shall in turn notify Internal Affairs as to the reasons why the investigation cannot be completed within 30 calendar days and shall estimate the additional time needed to complete the investigation. **(CALEA 52.2.3)**
- If upon completion of the investigation the First Sergeant or other supervisor authorized to impose disciplinary action determines that the member should be exonerated or that the result of the investigation is inconclusive, the supervisor shall (after conferring with the Unit Commander of Internal Affairs) inform the member and forward the Report of Investigation and all related documents to the Unit Commander of Internal Affairs for filing in the member's personnel file. **(CALEA 52.2.1)**
- If, upon completion of the investigation and after allowing the charged member an opportunity to explain his/her actions, the supervisor determines that the member should be disciplined, the supervisor shall confer with the appropriate Section Director/Troop Commander and shall administer disciplinary action within the options authorized by the Unit Commander of Internal Affairs.

IV. INVESTIGATION OF COMPLAINTS AT THE COMMANDER'S OFFICE LEVEL (CALEA 26.1.8; 52.2.1)

The Unit Commander of Internal Affairs shall be responsible for the supervision of all complaints initiated at the request of the Commander's Office.

Internal Affairs Investigation Procedures (CALEA 52.2.2)

- The Internal Affairs Section shall notify the member to be investigated and the member's Section Director/Troop Commander that an investigation is to be made except in cases where such notification would jeopardize the investigation. In the event the charged member admits the violation with which the member is charged, the Internal Affairs Unit shall prepare for the Commander's Office a statement of the facts and submit its recommendation for disciplinary action to be taken and shall give the entire file to the Commander's Office for consideration, pursuant to the provisions of this directive. In the event the charged member denies the violation with which the member is charged, then the investigation shall proceed as hereinafter provided. **(CALEA 52.2.5)**
- The member shall be given an opportunity to supply the investigator with evidence or witnesses favorable to the member. No decision as to whether or not the member violated the Rules of Personal Conduct, Grossly Inefficient Job Performance, or Job Performance shall be made against a charged member until the member has had a reasonable opportunity to produce evidence or witnesses and has had an opportunity to explain his/her actions.
- If an investigation uncovers evidence of a possible criminal violation by a member, the Internal Affairs Unit shall immediately notify the Commander's Office which decides whether or not appropriate authorities should be notified and take such other disciplinary or administrative action necessary consistent with the provisions of this policy.
- If an investigator uncovers evidence of additional violations of policy, an additional HP-307 need not be completed. The member must be informed of the allegations and must be given an opportunity to respond to the potential new charges.
- Upon completion of the investigation, the Internal Affairs Unit shall prepare a summary report of the investigation setting forth the facts of the case, and shall submit the summary report to the Director of Professional Standards for review in accordance with Directive H.4, Section XII.

Responsibility and Rights of Members Under Investigation (CALEA 52.2.5)

- Members under investigation for possible violations of the Patrol Rules of Personal Conduct, Grossly Inefficient Job Performance, or Job Performance shall truthfully and fully answer all questions asked of them by investigator(s) concerning the incident being investigated.
- When a supervisor or investigator reasonably suspects that a member has violated the Rules of Personal Conduct, Grossly Inefficient Job Performance, or Job Performance, the supervisor or investigator may require the member to submit to tests such as medical, ballistics, or chemical analysis or agree to participate in a lineup or be photographed. The member may also be requested to furnish financial disclosure statements in connection with the case under investigation, after approval of the Commander's Office. (CALEA 52.2.6)
- When a member is to be investigated for a non-criminal violation of the Patrol Rules of Personal Conduct, Grossly Inefficient Job Performance, or Job Performance, the member shall be notified that the investigation is to take place unless such notification would jeopardize the investigation.
- Any member who is the subject of an internal investigation may be ordered by the assigned investigator(s) to cooperate in the investigation and to appear before investigator(s) at a reasonable time and place to submit to questioning or other investigative procedures.
- Investigations conducted pursuant to this directive are for non-criminal violations or for violations that may be criminal but for which the purpose of the investigation is purely administrative in nature. Accordingly, the member may be ordered to respond to questions which are narrowly and directly related to the matter under investigation. The member shall not be permitted to have an attorney present during the questioning.
- Highway Patrol property may be searched at any time even if assigned to and used exclusively by an individual member. A member's personal property found on State-owned property or within a State owned vehicle may be searched at any time. All other personal property of a member shall not be subjected to search and seizure except in accordance with law.
- A member shall provide the investigator with any evidence and the names of witnesses who may have information about the matter under investigation.

V. EMPLOYEE CRIMINAL CHARGES / ARREST NOTIFICATION PROCEDURES

- Each employee, sworn and non-sworn, shall immediately notify a supervisor if he/she is arrested or is the subject of any investigation by an outside law enforcement agency involving allegations that, if true, could constitute a felony or misdemeanor.

- Each member shall immediately notify the North Carolina Criminal Justice Standards Division in writing at the address below, if the member is arrested or charged with, or pleads no contest to, or pleads guilty to any criminal offense other than a minor traffic offense. Such notification shall comply with the requirements of 12 NCAC 09B.0101, and a copy of the written notification shall be forwarded by the member to the Commander's Office.

North Carolina Criminal Justice Standards Division
North Carolina Department of Justice
P.O. Drawer 149
114 West Edenton Street
Raleigh, NC 27602

- Any member who charges, or arrests a Highway Patrol employee, sworn or non-sworn, with any felony or misdemeanor violation of law shall immediately notify an on-duty/on-call supervisor, who shall be responsible for notifying the Unit Commander of Internal Affairs of the incident.
- Each employee, sworn and non-sworn, is required to immediately report any conviction, finding of guilt or plea of no contest, or determination of responsibility involving the violation of any law or ordinance other than a parking ordinance to a supervisor.
- Each employee, sworn and non-sworn, shall immediately notify a supervisor if his/her driving privilege is suspended or revoked.
- The immediate supervisor must ensure the Unit Commander of Internal Affairs is immediately notified, via the chain-of-command, in any case where an employee (sworn or non-sworn) is arrested, charged, or the subject of an investigation involving any felony violation or any misdemeanor.
- In any case where a DCI certified employee is arrested, charged, or being investigated for a felony or any misdemeanor involving fraud, misrepresentation, or deceit, the Unit Commander of Internal Affairs must notify the Executive Officer of Technical Services within **twenty (20) hours** of the arrest. The Executive Officer of Technical Services will ensure the State Bureau of Investigation, Criminal Information and Identification is notified in writing within **twenty-four (24) hours** of the arrest and the DCI user is disabled by the Patrol's Senior Terminal Coordinator.
- In any case where a sworn member is arrested for or charged with, pleads no contest to, pleads guilty to, or is found guilty of a criminal offense, the Unit Commander of Internal Affairs shall consult with the Patrol's Legal Staff to determine whether notification must be made to the Standards Division pursuant to 12 NCAC 9B .0101 (8).

Cotton, Joseph

From: Poole, Patricia
Sent: Monday, May 18, 2009 3:57 PM
To: Cotton, Joseph
Cc: Blanks, James
Subject: FW: Off-Line Search Results

Attachments: RE: Off-Line Search Results Form; SHP2.tif



RE: Off-Line Search SHP2.tif (22 KB)
Results Fo...

Joe

Here is the reponse from the SBI it looks like some other agency has ran the tag. See if Jamie can help you anymore. I can not open any of the docs from my handheld.

Sent by Good Messaging (www.good.com)

-----Original Message-----

From: Battista, Christopher [mailto:Cbattista@ncdoj.gov]
Sent: Monday, May 18, 2009 03:19 PM Eastern Standard Time
To: Poole, Patricia
Cc: Brinkley, Wendy
Subject: RE: Off-Line Search Results

Captain Poole:

Regarding your Off-Line Search (OLS) request to the SBI, our agency identified no match to NCNHP0000.

As we discussed by telephone on May 14, 2009, the SBI is not authorized to release information about other law enforcement agency activities, including vehicle tag searches unless it is pursuant to a proper criminal justice agency request including detailed justification documentation, a court order or court subpoena.

Please remember that there are other sources of access to DMV information. Many agencies access DMV directly, outside of the DCI Network, and those results would not be returned in our search.

I hope this information is responsive to your needs.

Chris Battista

Assistant Special Agent in Charge

North Carolina Department of Justice

State Bureau of Investigation

Special Operations Division

Criminal Information and Identification Section

Bldg 16A, Rm 103

3320 Garner Road

PO Box 29500

Raleigh, NC 27626-0500

919 441 6826 M

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FAX: (919) 773 - 7840

SPECIAL OFF-LINE SEARCH REQUEST FORM



NC ONLY SEARCH

1. A REQUEST ON AGENCY LETTERHEAD MUST ACCOMPANY THIS FORM.
2. COMPLETE ALL FIELDS. TYPE OR PRINT LEGIBLY. ATTACH ADDITIONAL SHEETS IF NEEDED.
3. DATE: 14 MAY 2009
4. REQUESTING AGENCY: NORTH CAROLINA STATE HIGHWAY PATROL
5. COUNTY: WAKE
6. SBI TRAINING DISTRICT #:
7. CONTACT INFORMATION:
 - Name/Rank: CAPTAIN PATRICIA A. POOLE
 - Mailing Address: 4702 MAIL SERVICE CENTER, RALEIGH, N.C. 27699
 - Telephone #: 919-733-4045
 - Fax #: 919-715-2668
 - E-Mail Address: PAPOOLE@NCSHP.ORG
 - Agency Case #: NIA
8. TYPE OF INVESTIGATION: INTERNAL AFFAIRS INVESTIGATION
9. PURPOSE OF REQUEST: TO DETERMINE IF A LAW ENFORCEMENT MEMBER RAN REGISTRATION PLATE NUMBER.
10. INFORMATION REQUESTED: (BE SPECIFIC) THE PLATE IN QUESTION IS VVW-7222. TIME PERIOD FROM FEB. 18TH UNTIL NOW.
11. TIME FRAME: 2-18-09 TO NOW
12. AGENCY NAMES, ORIs, COUNTIES: NCNHP0000 + any other AGENCY
13. I acknowledge the information requested is for official agency use. I acknowledge understanding of all applicable regulations and consent to, and agree to abide by and be subject to, including penalties, state and federal regulations regarding proper use and dissemination of information obtained from this request.

CAPT. Patricia A. Poole / Patricia A. Poole
PRINT AND SIGN NAME

AUTHORITY North Carolina Administrative Code, 12 NCAC 04F.0701(b),(d)					
SBI USE ONLY					
RECD DATE	RI-V13 DATE	SENT DATE	OTHER		

UNITED STATES DISTRICT COURT
for the
Eastern District of North Carolina

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Alan Melvin

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: Terry Sanford Federal Building 310 New Bern Avenue, Raleigh, NC Room 628	Date and Time: 05/20/2009 09:00
---	------------------------------------

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

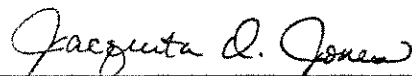
SEE ATTACHMENT.

Prior to appearing before the grand jury, you may provide the requested documents to the agent serving the subpoena or to SA Chuck Stuber, FBI, 5511 Capital Center Drive, Suite 460, Raleigh, NC 27606, telephone number 919-233-7701.

Date: 05/13/2009

CLERK OF COURT

DENNIS P. IAVARONE, CLERK



Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

U.S. Attorney's Office
310 New Bern Avenue, Suite 800
Raleigh, NC 27601
(919) 856-4530

2009R00127

ATTACHMENT TO GRAND JURY SUBPOENA
Alan Melvin
(Grand Jury Session - Raleigh, NC - May 20-21, 2009)

Introduction

1. Unless otherwise specified, the time period in question is from January 1, 2000, through to the present.

Documents

ORIGINALS of the following documents (whether on paper, microfilm, computer, or other electronic medium) in your custody, or subject to your control:

1. All documents relating to air travel by Michael F. Easley, a/k/a Mike Easley, aboard privately owned, non-commercial, aircraft.
2. All documents relating to air travel by Mary Easley aboard privately owned, non-commercial, aircraft.
3. All documents relating to air travel by Michael Easley, Jr. aboard privately owned, non-commercial, aircraft.
4. All documents relating to payments made in exchange for the air travel described in requests 1-3 above.
5. All documents relating to public inquiries made regarding air travel by Michael F. Easley, a/k/a Mike Easley, Mary Easley, and/or Michael Easley, Jr.
6. All documents relating to communications with Michael F. Easley, a/k/a Mike Easley, Mary Easley, and/or Michael Easley, Jr. regarding air travel on privately owned, non-commercial, aircraft.
7. All documents relating to communications with Michael F. Easley, a/k/a Mike Easley, Mary Easley, and/or Michael Easley, Jr. relating to public inquiries made regarding air travel by Michael F. Easley, a/k/a Mike Easley, Mary Easley, and/or Michael Easley, Jr.
8. All documents relating to the retention and/or destruction of records relating to travel by the Governor Easley and his family.

NOTICE TO FACT WITNESSES
SUBPOENAED BY U. S. GOVERNMENT

CALL : 1 - 800 - 538 - 1564

WHEN YOU RECEIVE YOUR SUBPOENA TO SEE EXACTLY WHEN YOU ARE REQUIRED TO APPEAR AND TO MAKE TRAVEL ARRANGEMENTS IF YOU ARE TO APPEAR IN ANOTHER CITY -- CALL NO LATER THAN THE WORKDAY BEFORE YOU MUST LEAVE YOUR RESIDENCE TO ATTEND COURT. YOU MAY POSSIBLY PREVENT A WASTED TRIP IF TRIAL HAS BEEN POSTPONED, CANCELED, etc.

APPEARANCE IN ANOTHER CITY: You must call this office so we may arrange and pre-pay your necessary lodging & bus/air/train reservations. If you lack sufficient funds or credit cards, we can assist in contacting your local U.S. Marshals Service (in phone book under U.S. Government) to request an advance of funds to cover one-way travel and appearance fee and meals for one day. You must verify your need, present your subpoena, and personally sign an "advance money" receipt. All "advance monies" will be deducted from your final reimbursement check from the U.S. Marshals Service.

ATTENDANCE: Your subpoena tells you when and where to appear.
DO NOT GO INTO THE COURTROOM! REPORT DIRECTLY TO THE U.S. ATTORNEY'S OFFICE EACH AND EVERY DAY YOU ARE REQUIRED TO ATTEND.

ALLOWANCES: Under Title 28, United States Code, Section 1821, fact witnesses are entitled to the following fee and allowances:

- a. **FEE** - \$40.00 for each day (or partial day) in attendance and for each day (or partial day) spent traveling. b. **TRANSPORTATION** - Reimbursement is made for necessary transportation by the LEAST EXPENSIVE method available.

FIRST CLASS AIR FARE IS STRICTLY PROHIBITED AND WILL NOT BE REIMBURSED. COACH CLASS RATE ONLY! -- PLEASE SAVE RECEIPTS.

You MUST furnish receipts for airline, train or bus tickets, taxi fares, tolls, & \$25 expenditures in order to receive reimbursement.

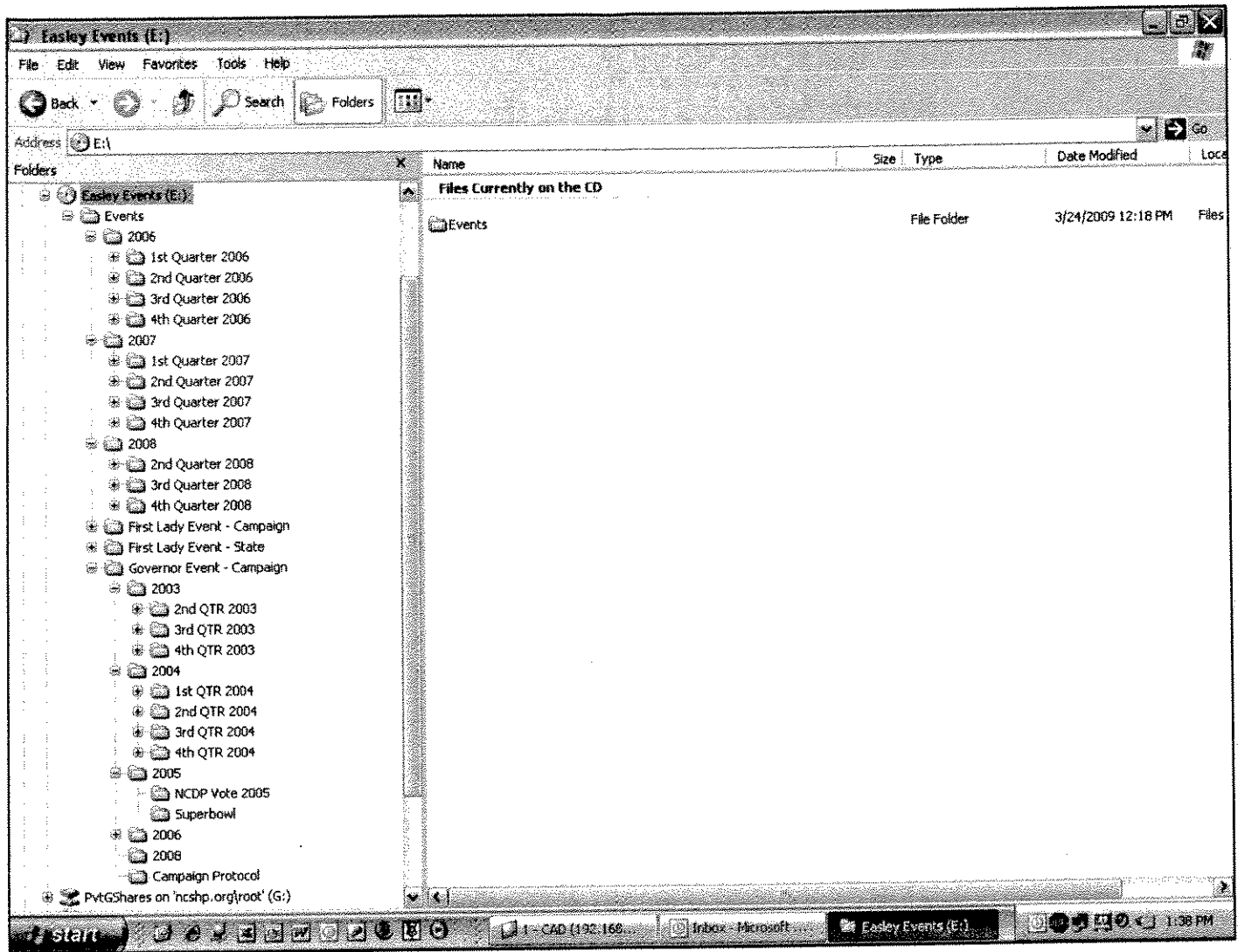
YOU MUST FURNISH RECEIPTS FOR ANY & ALL PARKING YOU CLAIM.

PRIVATELY-OWNED VEHICLES - Current mileage reimbursement rates for travel by privately-owned vehicles are:

Motorcycles -30.5¢ Automobiles -.48.5¢ Airplanes - 1.07¢

Mileage is determined from odometer readings and/or the Rand McNally Guides. Only one reimbursement is made if two or more witnesses travel together in one vehicle.

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Easley's secret flights skirted the law

A group of affluent supporters flew the former governor where he wanted to go; the expensive trips, to fundraisers and vacations, were rarely reported.

BY J. ANDREW CURLLISS - STAFF WRITER
Published: Sat, May 09, 2009 03:25 AM

Modified Sat, May 09, 2009 03:29 PM

First of two parts

While he was governor, Mike Easley turned a small group of influential North Carolina businessmen into his own private air service, an arrangement Easley kept secret.

Starting in 2003, Easley took at least 25 flights on private jets, some in apparent violation of campaign laws and ethics rules, documents and interviews show. Some flights were free. The value of others exceeded campaign contribution limits.



Overton provided flights to help causes.

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Reporter J. Andrew Curliss on radio

NCQ reporter J. Andrew Curliss will appear Monday morning at 7:10 on WFPT 680 AM to discuss his two-part series, "Executive Privilege."

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Feds probe project where Easley bought lot

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Flight Itinerary memo for Oct. 22, 2004 (PDF)

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Flight itinerary memos for December 2003 (PDF)

Fundraiser memo and flight itinerary for Dec. 8, 2003 (PDF)

Flight itinerary memos for May 1, 2003, and Aug. 25, 2004 (PDF)

Records show that the businessmen who flew Easley took him around the state and to such places as Atlanta, Richmond, Washington and Florida. Easley, a Democrat who left office in January, appointed some of the benefactors to boards that oversee state transportation networks, the state's largest universities and other state functions.

A review of state flight logs, records of private and political travel, Easley's campaign reports and previously unavailable "governor's event" forms from the state Highway Patrol raise questions about the privileges Easley accepted while he was a candidate and governor.

A cornerstone of modern election law is that candidates disclose what they take in and spend, allowing the public to see who is bankrolling candidates, and ensuring that limits are not exceeded. Corporations in North Carolina are banned from giving, and individuals are limited to \$4,000 per candidate during an election cycle.

"It is very troubling to hear of the possibility of significant violations," said Bob Phillips, who heads the nonpartisan advocacy group Common Cause North Carolina, which has been active in seeking campaign reform and lobbying for openness. "Think about how many millions of dollars he raised ... and there's this get-something-for-free attitude."

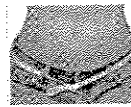
Violations of the campaign-finance laws can result in civil or misdemeanor criminal penalties.

Records and interviews suggest more flights took place than those shown in documents provided to the newspaper after negotiations with the Highway Patrol, custodian of the records because it provides security for the governor.

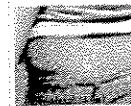
Significant amounts of time are missing in the patrol documents -- including the entire year of 2005. E-mail messages, interviews and other documents refer to flights for which no other records have been produced.

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Last 7 Days

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E-mail message about Easley's flight (PDF)

More Executive Privilege

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- Feds probe project where Easley bought lot
- Car dealer who helped Easley talks to feds
- Easley pays for 2 cars
- Rand's car lent from dealership
- Easley, Rick Hendrick gain from friendship

Easley, who has taken a job at the McGuire Woods law firm and is a national spokesman on education initiatives for the foundation of Bill and Melinda Gates, would not agree to be interviewed.

His campaign lawyer, John Wallace, declined interview requests. Wallace also represents the state Democratic Party on campaign issues.

Just last month, Easley revised years of campaign filings to show that his election committee had been provided a sport utility vehicle at no cost. The action followed reports in The News & Observer that Easley's son, Michael Jr., was driving a GMC Yukon owned by Robert F. Bleecker, a Fayetteville-area auto dealer. Federal investigators have contacted Bleecker, and State Board of Elections officials are looking into the use of the car.

The N&O first sought documents related to Mike Easley's travel beginning in 2005.

Easley and his administration resisted, saying the records' release would compromise the governor's security even after the travel was long completed. A provision in state law allows officials to shield from the public any documents that contain "specific details of public security plans."

Gov. Beverly Perdue ordered the Highway Patrol to release travel and other records.

Much of the travel shown in the new records relates to flights for Easley's 2004 re-election campaign. But the records show that Easley was using private planes as recently as March 2008, when he flew with NASCAR owner Rick Hendrick to Key West, Fla., on a Hendrick team jet.

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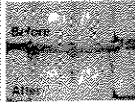
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Easley's secret flights skirted the law

A group of affluent supporters flew the former governor where he wanted to go; the expensive trips, to fundraisers and vacations, were rarely reported.

BY J. ANDREW CURLISS - STAFF WRITER

Published: Sat, May 09, 2009 03:25AM

Modified: Sat, May, 09, 2009 03:25PM

Flying adds up

Charter air service is expensive and adds up quickly, generally costing \$900 to \$1,300 an hour for the type of jet required for Easley, which included pressurized cabins and two pilots. The jets, owned by the businessmen through limited liability companies, were usually six- to eight-passenger planes.

Some donations to Easley were funneled through the state Democratic Party, which is not subject to contribution limits. But under state election laws, a donor cannot give to a specific candidate through a political party.

The new records show that Easley was the beneficiary of such contributions. The records also detail travel that neither Easley nor the people who flew him could disclose publicly because the value of the trips would have exceeded campaign contribution limits.

Some examples from the flight and campaign records:

Cameron McRae, a Bojangles' franchiser from Kinston, contributed money to the Easley campaign that was publicly disclosed but then provided some flights that weren't. Combined, McRae's donations exceeded limits. Easley appointed him to the state Board of Transportation and the Global TransPark Authority; McRae was also subject to disclosure rules.

McQueen Campbell, a Raleigh real-estate broker, acknowledged in interviews that he provided free travel for the governor. One trip was a fishing outing to Fort Lauderdale, Fla., given when Easley was required under ethics rules to disclose gifts of at least \$200. Easley didn't disclose the trip. Some of Campbell's flying of the governor was accounted for in campaign reports, but not all.

Easley twice appointed Campbell as a trustee at N.C. State University, where he became chairman.

Rusty Carter, a Wilmington packaging company president and college fraternity brother to Easley, flew the governor to an Outer Banks event a couple of weeks before the 2004 election, records show. The listed purpose: "Fundraiser for Governor Mike Easley." But public campaign records show Carter also donated \$4,000 to the Easley campaign on Oct. 6, 2004. That means the value of his flight, which took place Oct. 22, 2004, and has not been disclosed, would have exceeded allowable limits.

Easley twice appointed Carter as a trustee at UNC-Chapel Hill.

Cress Horne, owner of a helicopter company known for filming movie scenes, flew Easley from Southport to Monroe to Raleigh for a campaign fundraiser in 2003. The fundraiser was organized by state Board of Transportation member Larry Helms; there are no records of payment associated with the flight. Horne also gave Easley's campaign \$4,000, the legal limit. Easley appointed Horne to the state Aeronautics Council.

V. Parker Overton, a developer and retired founder of a water sport company based in Greenville, flew Easley to a Democratic governor's policy conference on Nov. 13 and 14 in 2003 at Ponte Vedra Beach, Fla. Easley didn't pay for it, Overton said. He does not serve on any state boards. He said he agreed to provide the flight as a way to curry good will that might help places he cares about: East Carolina University, N.C. State University or Eastern North Carolina.

"If the governor calls you up and needs the plane, you do it," Overton said. "I'd do it for [Gov. Beverly] Perdue if she called or that fellow she beat ... Pat McCrory."

Overton had already provided \$3,000 in money and in-kind contributions to Easley, which would have placed him near the limit for contributions. A month after the trip, records show he funneled another \$6,000 through the state Democratic Party for "in-kind" travel.

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Easley's secret flights skirted the law

A group of affluent supporters flew the former governor where he wanted to go; the expensive trips, to fundraisers and vacations, were rarely reported.

BY I. ANDREW CURLISS - STAFF WRITER
Published Sat, May 09, 2009 03:25AM

Modified Sat, May, 09, 2009 07:26PM

Overton said he didn't know how the trip was accounted for by the Easley campaign: "I just flew him down there and back."

Deil Murphy, a farmer and son of pork baron and N.C. State booster Wendell Murphy, flew Easley to Washington, D.C., and then Atlanta within a week in late 2003, according to the state records, although The N&O could not confirm the Atlanta flight. Both trips were labeled fundraisers. The travel was not listed in Easley's year-end campaign finance report.

In February 2004, Murphy is listed as giving \$4,100 in travel services to the state Democratic Party. On the same day, another aviation donor, Thomas Segrave, provided \$4,317 in travel services to the party. That totals \$8,417, with both donations exceeding limits if they went directly to Easley.

About six weeks later, in April, the state party reported providing travel for Easley. The amount from the party to Easley that day: \$8,417.

"We will definitely be looking into all of this," said Kim Strach, who oversees campaign finance enforcement for the State Board of Elections.

Easley's campaign also used state planes for political travel and paid rates of more than \$1,700 an hour.

All along, Easley could have paid the fair market value for the private air services from his campaign treasury. His campaign still has about \$400,000 on hand.

Soaring above limits

Campbell and McRae were tapped to fly Easley most frequently, the records show.

A jet owned by McRae, whose interests include land development and ownership of the Kinston Indians minor-league baseball team, was scheduled to fly Easley at least five times, though it appears planes belonging to others were used for some of those flights.

McRae's jet flew Easley at least twice from mid-2003 until right before Easley was re-elected in 2004, according to the records.

Both Easley and McRae, as public servants, were subject to state laws that require disclosure of such travel. But neither disclosed the value of the flights McRae provided. If they had, McRae would have exceeded the maximum contribution of \$4,000 in each election cycle.

Easley appointed McRae to the transportation board in 2001, 2005 and 2009.

Records show McRae gave Easley the maximum \$4,000 on June 30, 2003. But he had also provided at least two flights in the previous two months, according to the flight records, although McRae's lawyer says there was one flight. The Easley campaign paid a McRae company \$400 for travel later that year.

In 2004, McRae gave more to Easley. Records show he gave Easley nearly the maximum donation by providing catering services for a fundraiser on Aug. 25, 2004 at his home in Kinston. Easley's campaign reported catering from McRae worth \$3,547.

But McRae also provided an undisclosed charter flight for Easley that day, flying the governor from Raleigh to Kinston and back.

Records show that McRae gave \$1,250 to the state party a few months later, in October. McRae's lawyer said that although the payment to the party was accounted for as a general donation, it was meant for the Aug. 25 flight provided to Easley. Contributing to the party specifically for Easley would violate election law.

When he filed disclosures in 2005, McRae did not list any flights. Those statements were required after scandals in recent years led to reforms aimed at transparency for the actions of government officials.

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Campbell acknowledged in an interview that he flew Easley often without getting paid.

To refresh his memory, Campbell said, he reviewed the governor's campaign reports, which show Campbell getting reimbursed for travel twice. He said that was less than the actual travel, with most unpaid trips happening in the 2000 campaign when Easley was still the state's attorney general.

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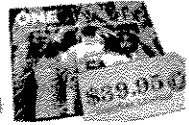


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Easley's secret flights skirted the law

A group of affluent supporters flew the former governor where he wanted to go; the expensive trips, to fundraisers and vacations, were rarely reported.

BY J. ANDREW CURLISS - STAFF WRITER

Published: Sat, May 09, 2009 03:25AM

Modified: Sat, May 09, 2009 03:29PM

"After going through that ... I wanted to find out what my responsibility as a donor was," Campbell said. "And as I understand the law and had it explained to me, the responsibility lies clearly with the campaign and not with me."

One free flight Campbell provided Easley as governor was for a fishing trip to Fort Lauderdale, Fla., in fall 2005, Campbell said. He would not disclose more, saying only that the governor called him and asked whether he wanted to come, so he agreed to take his plane. Campbell said Easley stayed at a private residence, but he would not disclose the owner.

Campbell said he flew Easley to Manteo on the Outer Banks once for a private event. Records show he flew Easley by helicopter in 2006 to a political event at a cottage at Lake Waccamaw. Campbell said he brought actor Andy Griffith to the inaugural in 2001 as a favor to Easley.

He was not paid for those, he said.

Easley signed sworn forms saying there were no gifts in those years.

State flight records list a half-dozen other flights in 2003 and 2004 where Campbell took Easley to fundraisers, including one in Richmond and a tour to several cities days before the election. There are no payments from Easley's campaign to Campbell in those two years.

Campbell did receive two checks from Easley's campaign, totaling more than \$11,000. But both were sent in 2005, well after the campaign. The law requires disclosure of campaign flights in the year flights take place.

Asked how many times he flew Easley, Campbell said it was more than a dozen.

"I know it wasn't a hundred -- but outside of that, I'd hate to guess," he said.

We've flown many times

Campbell also helped first lady Mary Easley once she started a job at N.C. State, where she coordinated a speakers series.

Records show Mary Easley asked Campbell to fly U.S. Sen. Lindsey Graham, a South Carolina Republican, to Raleigh in October 2006. A year later, she asked him to get PBS broadcaster Charlie Rose to campus. Campbell submitted invoices showing the flights were worth \$11,165. But he waived most of the charges, accepting payments from N.C. State for \$3,261.

As Graham's schedule was coming together, an aide told Campbell that the senator would have to pay him the equivalent of a first-class fare from Washington, as federal rules require. Campbell wasn't sure what to do, according to an e-mail he wrote later to Mary Easley.

"She mentioned that they would have to pay me," Campbell wrote to Mary Easley. "Didn't know what this meant or how to handle. ... I just didn't discuss it further after she mentioned this." Graham cut him a check, but it didn't cover the full cost of his fuel.

In October 2007, Mary Easley sent an e-mail message to one of Rose's aides, arranging for Campbell to fly the broadcaster from New York. She mentioned the Easleys' experiences with Campbell.

"Michael and I," she wrote, "have flown with him many times."

Sunday: The Easleys and McQueen Campbell benefit from one another.

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Records suggest more unreported flights

BY J. ANDREW CURLISS - STAFF WRITER

Published: Sat, May 09, 2009 03:32AM

Modified: Fri, May, 08, 2009 04:46PM

Former Gov. Mike Easley likely took more flights on private aircraft than are reflected in state Highway Patrol records.

A special unit that protects the governor handled logistics as part of its duties, including keeping up with flight itineraries. The unit also generates standard reports, known as a "governor's event" form, that describe planned transportation, security assignments, phone numbers, maps and other basic details of a speech or other event.

As a paramilitary organization, the patrol stresses proper recordkeeping to its members. And troopers always traveled with Easley, according to records and the private pilots who flew the governor. But the unit now says it didn't do a good job of maintaining its records all the time.

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Easley: Campaign used car

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That would include the entire year of 2005.

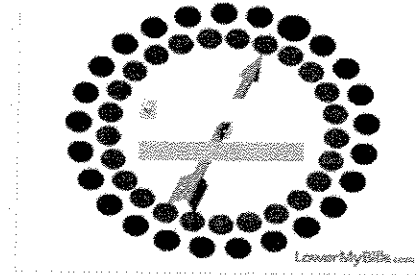
The unit has produced some records showing the whereabouts of Easley and his wife, Mary, for 2004, 2006, 2007, 2008 and into 2009. But there is nothing for the entire first year of Easley's second term. And there are gaps in the records that were provided.

McQueen Campbell, an N.C. State University trustee and Raleigh real-estate broker who was one of Easley's pilots, said he flew Easley to Florida in 2005, for example. But the patrol says it doesn't have records from that year.

Other documents raise the likelihood of additional flights:

In late 2003, as the Easley campaign scrambled to figure out some flights, manager Jay Reiff wrote in an e-mail message to staffers: "Look to have one of the NASCAR team planes fly him. They will not be racing and they have a lot of planes based in Concord."

The patrol has two records of Easley flying on NASCAR owner Rick Hendrick's team planes. Easley went to Iowa to campaign for Sen. John Edwards in 2004 and fishing in Key West, Fla., in 2008. Edwards' campaign paid for the Iowa trip; Hendrick paid for the Florida vacation.



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When The News & Observer first sought records about the 2008 flight, the Highway Patrol said repeatedly over several weeks that one didn't exist. The patrol later reversed itself and produced that document.

A campaign e-mail message says Easley was on a plane owned by state Board of Transportation member Cameron McRae in spring 2003. On April 30 that year, a campaign staffer wrote: "Cameron McRae's plane is a King Air 300. ... He flew the Governor a couple of weeks ago."

There are no other records of that flight; McRae's lawyer says he can't find a record of it.

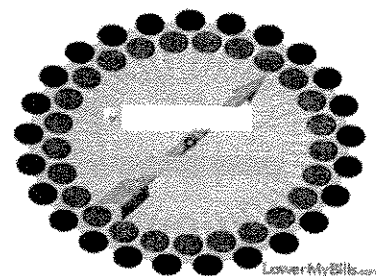
A Sept. 4, 2003, event form said that the governor would leave a meeting in the Research Triangle Park and go directly to the airport for "air travel." There are no state flights or other documents showing a flight that day.

The Easley campaign reported receiving donations of air charters and travel on numerous dates that do not match other flight records.

Easley and his campaign lawyer, John Wallace of Raleigh, refused interview requests.

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The Highway Patrol's commander, Col. Walter Wilson, said he can't explain why there are no records for 2005. The person in charge of the governor's protection detail for most of that time, Capt. Alan Melvin, refused to answer questions from The N&O.

Melvin traveled often with Easley. The N&O spotted Melvin at Easley's residence in Raleigh the day before the patrol released a first batch of records relating to private flights. A patrol spokesman said that Melvin at first denied being at Easley's house, but Melvin later said he misunderstood the question.

Melvin acknowledged that he had been at Easley's house; he said Friday he was there for a personal visit.

Because of gaps in the records, Wilson ordered an internal affairs investigation. That produced more records.

Wilson said that the protection unit's computers were examined and that the patrol has now produced all records that it has.

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Taxpayer2008 wrote on May, 9 3:09 PM:

Yes, the lower rung clerks hide the records when their bosses tell them to. Then the bosses claim they weren't aware of it.

I've been digging through 'public' records for years. If the lower rung employees don't break the law at their bosses orders, they are fired for insubordination and their records are closed for 'personnel reasons'.

Time honored retaliation in order to maintain the status quo.

Been there, done that.

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cadacon1 wrote on May, 9 3:01 PM:

So you actually believe the public records were hidden by the lowly employees? Guess you only comment on it instead of ever having to deal with this sort of thing. The higher ups are the ones who make these kinds of decisions, the lowly ones are only the ones who get the blame.

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Taxpayer2008 wrote on May, 9 2:52 PM:

Hiding public records is breraking the law.

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Taxpayer2008 wrote on May, 9 2:51 PM:

The 'lowly' employees are not imune from the law. If your boss tells you to break the law and you do it...you're guilty just the same.

They don't have to 'scream' foul...just 'whisper' it to the N&O. The State Troopers are some of the worst violators of the law. Easley put his dufus Brian Beatty in charge of Crime Control...and the Troopers who aided and abbetted Easley in his law breaking.

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cadacon1 wrote on May, 9 1:45 PM:

ncoldsalt,
You should remember that one shouldn't throw rocks if one lives in a glass house. The "lowly" employees do as they are told. You cannot expect any employee to continually scream foul every time they think that something doesn't seem right.

I will say this though, you're a great armchair quarterback!

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jtshellnc wrote on May, 9 12:46 PM:

Do you think Perdue, Rand, or Basnight are going to allow this tp be properly investigated by authorities? It is time for an Independent Investigation of this stuff...

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\$3 billion in the hole, lies about the lottery, employment for Mary Easley at NC State, Basnight and Rand acting like Dictators, trips to Europe, property deals, the DOT...

No wonder this state is in the gutter!!!

The Hickory Hound Blog

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ncoldsalt wrote on May, 9 11:15 AM:

"As a paramilitary organization, the patrol stresses proper recordkeeping to its members. And troopers always traveled with Easley, according to records and the private pilots who flew the governor. But the unit now says it didn't do a good job of maintaining its records all the time."

The remedy is not rocket science, immediately fire ALL involved from the most lowly employee to the very top of the food chain. They are not competent, period, the end. At some point, this madness MUST stop. Public trust is completely eroded. The entire highway patrol department needs a major change from top to bottom. Just wonder what other records they have lost?

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State paid \$72,000 for state troopers' rent in Southport

Easley was in Southport so often that his bodyguards had their own place

By J. ANDREW CURLISS - STAFF WRITER
Published: Sat, May 09, 2009 03:31AM

Modified: Sat, May 09, 2009 03:35AM

By the middle of his second term, Mike Easley was spending so much time at his second home in Southport that the state Highway Patrol rented a house there for troopers assigned to protect him.

Travel records that Easley had long sought to keep private show that during his eight years as governor, Easley and his wife, Mary, commuted hundreds of times in state aircraft and vehicles between Raleigh and the quaint coastal village where they own a home on the Cape Fear River.

The Easleys' travel came at the expense of taxpayers who paid for the troopers to take them to the coast and back, and protect them while in Southport.



Troopers ran up \$40,000 in expenses in Southport above and beyond rent at their house on Bay Street.

The trooper home with river views on Southport's Bay Street cost the state \$72,000 in rent over the final three years of Easley's term, according to invoices.

In that same time, troopers generated at least \$40,000 in expenses tied to Southport travel, much of it accumulated one breakfast, lunch or dinner at a time.

The use of state aircraft to get the Easleys to Southport also came with a bill: more than \$62,000 in the final three years of the administration alone.

In an interview last year, Easley said it wasn't always good to be in Raleigh.

"Being in the mansion full time is not productive," he said. "You live over the store. You have tours. You got people here. You've got to get away and make time to think."

While he was governor, Easley would not release records about most travels involving him or his wife. Mary Easley took overseas trips to Russia, Estonia and France, for example, that were not publicly disclosed until The News & Observer sought expense records on them months later from the state Commerce Department. Those records showed spending that cost taxpayers more than \$109,000.

Public flight logs for state-owned aircraft provided the only glimpses of where Easley was going because he shielded all other records. The governor's travel has been the subject of media reports over the years, detailing that most of Easley's round-trip flights started or ended in Southport, Wilmington or nearby.

Easley typically made a brief appearance for a bill signing, groundbreaking or other such event, which gave the trip a public purpose. In all, 195 of 397 state flights taken by Easley started or ended at or near Southport. That pattern was more frequent in the latter years of his administration and continued until the end: Eight of his final 10 state flights on state-owned aircraft were to or from Southport or nearby towns, records show.

A frequent weekender

When The N&O last asked Easley about his travel, and in particular about the amount of time he was spending in Southport, he said it was a nonissue. Reporters asked him in April whether he

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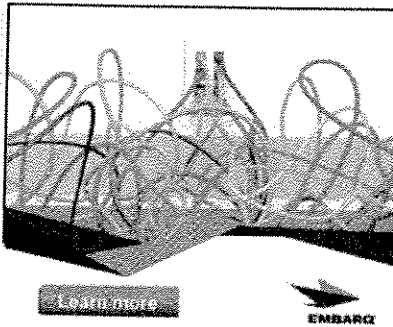
Last 7 Days

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was spending every weekend at the coast; they asked whether he often stretched his stays to three or four days. He said that wasn't the case.

"I try to get to Southport," he said on April 10, 2008. "I don't get to Southport nearly as much as you just made it appear that I do. I do try to go down at least every other weekend, at least for Friday and Saturday night."

He then added with emphasis: "I just want to disabuse you of the notion of me going to Southport every weekend."

Easley was at Southport for six consecutive weekends before he made that comment, records show.

After the interview, which was conducted on a Thursday, he flew on the state plane to Pinehurst for a speech, then went on to

Southport until the following Monday.

There have always been questions about Easley's whereabouts. Periodically, he would release his calendar schedule, but it was almost always blank.

The Easleys have three homes: a house in Raleigh, an interest in a condo on Bald Head Island and the house in Southport.

Their frequent trips to Southport led to the rental house for troopers. That deal began in November 2005 and ended when Easley left office. It cost \$2,000 a month and included utilities and a linen service.

A Highway Patrol spokesman, Capt. Everett Clendenin, said the house was rented to save motel costs. But records show the patrol was spending less on motel bills than it paid in rent for the house.

The home is owned by Davis Herring Jr., who could not be reached. He gave Easley's campaign \$1,000 in September 2004, the only time he contributed to Easley's gubernatorial campaigns.

With the troopers out, it's now empty. It was recently listed for sale.

Staff writer Mark Johnson contributed to this report.

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ryeish wrote on May, 10 6:24 AM:

His legacy will live on for years. If Bev wants to show that she's different she can allow the state to investigate this nonsense. This behavior makes me embarrassed to both work for and live in this state. It's also why I left the DNC.

[Recommend \(2\)](#) [Report abuse](#)



SAY_WHAT wrote on May, 9 9:15 PM:

DO YOU THINK BEV IS ANY DIFFERENT??

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rchrdcooley wrote on May, 9 8:32 PM:

Now the new Governor (and Easley associate) wants to raise the gasoline tax! How can we keep putting this type of politician into the Governor's manison? It's time for the working man to step up and say "enough is enough"!

[Recommend \(3\)](#) [Report abuse](#)



LaMujerBianca wrote on May, 9 8:28 PM:

I imagine Easley and his wife are sitting around laughing at how they took the N.C. citizens so easy how they were ripe for the picking. And I expect the Troopers are to since they all got away with it. Like most corrupt people in Government.

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Flowerpower wrote on May, 9 6:20 PM:

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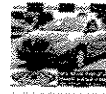
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Governor Weasel-y. The former governor must be brought to trial and made to pay this stolen money back to the State of NC.

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watching wrote on May, 9 6:18 PM:

This is for cadacon1

I don't agree with your mentality that these troopers were innocent. Look at where former Sheriff Ron Hewett of Brunswick County is today. Behind bars in a federal prison because his deputies got tired of his mess. These troopers are no different. Mind you, Easley should never have put them in this position, but he is a sleaze ball from the get go.

\$72K is a lot of money for these guys to live it up at the tax payers expense. I don't feel sorry for them. It was probably a weekend vacation away from home for them. If they hated it so badly why didn't they quit? No sympathy here for using \$72K of money that could have been spent more wisely....like for education.

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onelivewire2 wrote on May, 9 5:21 PM:

Justice would be served if he is indicted and convicted for election law violations and he had to share a cell with the former Rep. Thomas Wright of Wilmington, who was also convicted of election law violations.

[Recommend \(3\)](#) [Report abuse](#)



minnie04 wrote on May, 9 4:13 PM:

He's the very reason this State is in such bad shape! I say, "Lock him up"! He was a joke as a governor...and his wife needs to give up more than 1/2% of her pay! She needs to resign immediately! How much longer are we going to sit by and let these 2 continue to rob this State of more money!

[Recommend \(8\)](#) [Report abuse](#)



Taxpayer2008 wrote on May, 9 3:03 PM:

I wonder if the \$72k included strippers too! Or some poor citizens' wives! At least the Duke LAX players paid for their own strippers...who ripped them off and filed false police reports with no retribution from Ole Roy...our basset hound in residence.

[Recommend \(3\)](#) [Report abuse](#)



Taxpayer2008 wrote on May, 9 2:59 PM:

Some in DOT can't even accept Christmas cards sent to their offices by work associates but King Easley...he gets to accept anything and everything offered...and probably demanded by...him.

All Blago did was run his mouth over the phone but Sleasley?...NC officials hunker down and lie for him.

Dig Andy dig...

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On patrol at Easley home

Submitted by bkrueger on May 12, 2009 - 12:21pm.

Tags: Alan Melvin | Everett Clendenin | Mike Easley | N.C. Highway patrol | Under the Dome | Walter Wilson

State Highway Patrol Capt. Alan Melvin headed up the special protection detail for Gov. Mike Easley for years, but is now assigned to an information technology job at the patrol.

That's why a reporter was curious to see Melvin show up earlier this year at the Raleigh home of Easley.

The date was Feb. 18 — a Wednesday — and Melvin pulled up around 2 p.m. He carried a package to the door with him. He left without it, reports Andy Curliiss.

That date was the same day that the state Highway Patrol informed The News & Observer that it would begin providing flight records relating to Easley, saying some would be available the next day.

The newspaper had long sought the records and one result of their release was a two-part series published Saturday and Sunday. The report showed, in part, that the Highway Patrol has gaps in its records. For example, there are no records from 2005.

Back in February, at the time of Melvin's visit to the Easley home, the paper immediately wanted to talk with Melvin. Through a spokesman, Capt. Everett Clendenin, Melvin declined to speak numerous times. But at the request of the paper, Clendenin asked Melvin about his visit. Melvin denied being at the Easley home that day, according to Clendenin.

The schedule shows Melvin was on duty that day from 8 a.m. to 7 p.m. It is not clear when he took lunch.

The N&O then asked the commander of the patrol, Col. Walter Wilson, about the visit.

Wilson inquired and later reported back that Melvin said he had been there — and he was there to drop off some "personal items."

Last week, The N&O asked Wilson about the discrepancy in Melvin's stories. Patrol policy requires a member to be "truthful and complete in all written and oral communications, reports, and testimony."

Wilson said he didn't know why there was a difference. Moments later, Clendenin phoned the newspaper and put Melvin on the line.

Excerpts from the exchange, after the jump.

N&O: We've been trying to reach you for some time. The question is — How many times did Gov. Easley fly privately with you or while you oversaw the protection detail?

Melvin: On authority of the colonel, I came down here to clarify a question asked by Capt. Clendenin and a question asked by the colonel about me visiting the governor.

N&O: So you don't want to answer that?

Melvin: It's not about an answer. I've come down here to clarify a question.

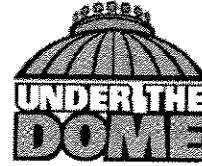
Clendenin: He's made it clear he wants to clarify this misunderstanding.

N&O: Go ahead then.

Melvin: Capt. Clendenin called me on the phone and asked if I had ever been to the governor's house while on duty. And I said no. Then, at a later date, the colonel asked me ... if I had ever been to the governor's residence while off duty on personal time. And I said yes.

N&O: What we're interested in is why were you over there the day before the first flight records were released. Do you recall that?

Melvin: I was off duty on personal time. So that's it.



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N&O: It was in the afternoon. Were you off that day?

Melvin: I was over there on personal time in a personal vehicle.

N&O: Did it relate to these flight records or any information we've been seeking?

Melvin: It was a personal visit.

N&O: Were you there to drop off personal items?

Melvin: It was a personal visit

N&O: OK. You don't want to say anything other than that?

Melvin: It was a personal visit. I do what I want to do on my private time.

N&O: Do you recall the governor taking a flight to Florida in 2005 with McQueen Campbell?

Melvin: I was calling to clarify that one question and I'm good to go.

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Re: On patrol at Easley home

Submitted by PoliticalJunkie on May 12, 2009 - 3:40pm.

Protzman,

It is a sign of the apocalypse. We agree on something.

I'll be looking for four horseman thundering across the sky this evening.

Junkie

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Roy Cooper - Do your job!

Submitted by CitizenOpinionated on May 12, 2009 - 3:17pm.

My question still remains - where is Roy Cooper - the Attorney General of North Carolina - during this ordeal?

We know he was in DC being courted by Obama yesterday, but how come his office is not doing an investigation...

North Carolina also experienced ACORN fraud during the elections. Other states are starting to investigate and charge members of ACORN with fraudulent activity.

Thus, how come our Attorney General nor Secretary of State have done any investigations?

Gov. Perdue has insisted on transparency and ACORN is receiving Stimulus funds - where the investigation to ensure that the organization in North Carolina is not as corrupt as the other organizations?

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Good reporting

Submitted by James_Protzman on May 12, 2009 - 1:25pm.

If Mr. Mike had any decency, he'd step up and come clean about the whole sick mess.



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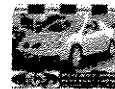
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Political Junkie has it right. The State Highway Patrol will let this guy twist in the wind, as well he probably should. But others should be twisting too.

And Governor Perdue should put her old lady's foot down and demand that the highway patrol leadership clear the air. Silence is complicity.

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Re: On patrol at Easley home

Submitted by j1c2kp on May 12, 2009 - 1:13pm.

Here we go again, oh what a web we weave when first we practice to deceive.

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Re: On patrol at Easley home

Submitted by PoliticalJunkie on May 12, 2009 - 12:54pm.

Poor guy.

Watch him end up being the one fall guy in this.

His bosses should be getting the heat.

Can't you guys call the head of McGuire Woods or Bill Gates Foundation and ask them to get employee Easley on the phone to answer a few questions?

Or at least call them and ask why they hired the guy given the ethical cloud over his head. Is this personal enrichment and benefits to friends the sort of government the two groups support?

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I 090216092 X130 EMPLOYEE SCHEDULE INQUIRY 06/17/09 131343 PCADP163

CALL #: X130 REGISTRY #: 2168 T/D: XX COUNTY: 092 SHIFT:
CREATED/UPDATED BY 2168 DATE-TIME 02/22/09 2156
NAME: MELVIN, JONATHAN A RANK: CAP

WEEK 3 OF WRK CYCLE 311 CURR: COM SVC BAL (G): 8:00 COMP TIME BAL: 153:00
YYMMDD AUTHORITY: 2168

WK./BEG	MON	TUE	WED	THU	FRI	SAT	SUN
090216	0700	0600	0800	0800	0800	DO	DO

MEALS:

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ACTUALS: 0800 1200 1000 0800 0800

TIME ID:

VAC TAKEN HHMM	TOTAL SCHEDULED HHMM	4000
SICK TAKEN HHMM	ACTUALLY WORKED HHMM	4600
CSVC TAKEN HHMM	TIME EARNED THIS WEEK	600
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Name: MELVIN, JONATHAN
A
City/Zip: SOUTHERN PINES 28387
County: 092

Address: [REDACTED]
Home Phone: [REDACTED]
Duty Station: RALEIGH

Rank: CAP **Call No:** X130 **Reg No:** 2168

Position No: 60085 **Birth Date:** 08/28/1966

Work Phone:(919) 662-4440 **Emp Date:** 08/01/91
Sworn Date: 03/03/1995 **T/D Loc:** XX TS


Adj Emp Date: 07/01/1992 **License:** SHP 1309

Sex: M **Exempt Status:** B **Next Physical (m/y):** [REDACTED]

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An Overview of Executive Protection's Filing System Pertaining to Travel

On 23 March 2009, Colonel Wilson requested an overview of the Executive Protection's Filing Guide, along with any forms related to the travel of Governor Easley during his time in office. Colonel Wilson informed me that a public records request had been made for private flight itineraries and travel documents for specific time frames related to Governor Easley. He advised some documents that were requested were turned over and then later, some more documents were produced related to the same request. In order to ensure compliance with the records request and to remove any perception that the Highway Patrol may be withholding records or being selective with what records are turned over, I was directed to examine what forms are used, the origin of the forms, how they are completed, and how they are filed and maintained. In addition, I was directed to provide copies of any requested records found to be made available for review to determine if they may be related to the public records request.

I conducted an onsite overview of all the files as related to the Filing Guide for Governor's Security. I talked with the past four detail leaders of Governor's Security along with the secretary for the security detail. I reviewed the entire G Drive of Governor's Security computer from the Technical Support Unit to ensure all documents related to the request were located. I received a disk with all available Governor Events that were on file pertaining to Governor Easley's travel.

I found during my review that all available travel files relating to any travel recorded in the possession of the executive protection unit have been turned over and made available to me for review; therefore, there are no forms that are in their filing guide or on file in their computer that have not been turned over or produced. If any record exists, it is not in the possession of the Executive Protection Unit.

The files on the computer were set up with two folders Governor's Events State and Governor's Events Campaign. The Gov. State events file had the years for 2006 through 2008, with each year's folder broken down into four quarters. The Governor's Campaign Events file included 2003 through 2008. There was not a folder for the year 2007 and some years folders had limited entries due to no campaigning. In 2006, Ms. Diane Bumgardner downloaded onto a CD all Governor Events prior to 2006 at the direction of Captain Melvin and removed them from the computer files. These files would have been Governor State Events for the years 2003, 2004, and 2005. On 20 April 2009, at 2:13 pm, Captain Melvin informed Colonel Wilson, that he checked through his files and could not locate any Governor Events forms on a disk. Captain Melvin did not admit nor deny that he ever had these forms on a disk in his possession but contends he could not remember the exact specifics dealing with the records disk in 2006.

In reviewing the files there are two forms used by the Executive Protection members that are not Highway Patrol generated forms. The Governor's Event form was created

by Captain Melvin and the other is a modified Department of Commerce Flight Itinerary form. The Events Assignment form was developed to assist members while providing security for the Governor. The form allows the member to access vital information quickly. The information provided on the form prevents the member from having to call and ask for names and phone numbers. The Flight Itinerary form is the same form used by the Department of Commerce except it has private written at the top in place of Commerce Department. This form was used when Executive Protection was provided with flight information in advance when the Governor was traveling by a private plane. The only Highway Patrol form used relating to the protection of the Governor is the HP-1 (Principal's Advance / Transportation / Intelligence). This form is filed according to the Filing Guide.

The Primary mission of the Executive Protection Unit is to provide security for the Governor. This includes providing transportation to and from events. Then there is the issue of what documentation is needed or required in order to perform these duties in the best possible way. With the current process in place, when it comes to dealing with completion of forms and filing for travel there will always be a possibility that someone could perceive that someone is omitting information or deleting forms. There are no guidelines, rules, or policies in place for what shall be recorded when dealing with the transportation of the Governor. The very nature of the Governor's Office requires last minute travel, as issues and events occur around the State without warning; therefore, forms and paperwork is not the priority of Executive Protection members on these occasions, but the safe and efficient transportation of the Governor, as it should be.

A decision will need to be made with input from many different people, (Governor's Staff, Colonel's Office, Executive Protection Staff, Inspections Unit, and Legal Staff) in developing a consistent, uniform process with a set of standard rules as to what shall be recorded and maintained as it relates to the transportation and security of the Governor. It is my opinion that the Highway Patrol should only maintain information pertaining to the member assigned, the location, time, and date. If more information is needed to assist a member in performing a transportation detail, then yes it could be recorded on an event sheet that has no retention value and it would be destroyed after the completion of that assignment. Any details as to type of event or persons involved in events should be solely the responsibility of the Governor's Office.

Lieutenant A. H. Batchelor

Summary of Form Inquiry.

Lieutenant J. O. Holmes

Lieutenant Holmes advised he started at Executive Protection in 1996 and left in 2003. He worked for Governor Hunt and then Governor Easley. Lt. Holmes advised there was no form used other than the HP-1 when he was working E.P. He advised a request would come in that the Gov. was traveling somewhere and they would take him. When members were off they would call in and see if the Gov. was traveling and then they would know if an HP-1 would need to be completed the next day and the location.

Lt. Holmes when shown a copy of the Events form and Flight Itinerary advised he thought Captain Melvin designed them after he left, but was not sure. He advised he never used those forms when he was at the mansion. Lt. Holmes had no knowledge of any trips by Gov. Easley in 05' or 07'. He advised he left E.P. in 2003. While assigned to E.P. he advised Ms. Debra Tingen was the secretary for E.P.

Captain J. A. Melvin

Captain Melvin was in charge of E.P. from 03' until 07'. Captain Melvin advised he designed the Events Form and the Itinerary Form he was shown. He explained he used the same Itinerary form that Commerce used and took their name off of it, and modified an existing patrol form into the Events Form. He stated he did this to be better organized and to help the men on the E.P. unit. The new designed form has all the information needed with phone numbers and contacts that the members needed and they could fold it up and put it in their pocket and pull it out if needed. The form worked great according to Captain Melvin. He advised back then in 03' the Governor was traveling a lot since it was a campaign year and he needed something to help keep the guys organized. He advised Debra Tingen was the secretary until sometime in 05' and then Ms. Diane Bumgardner was hired February 2005.

Captain Melvin explained that the notification of the Governor's travel comes from many different sources. The Chief of Staff, Press Secretary, Scheduler, Democratic Party, and the Governor's Calendar all would be sources along with others that advised E.P. that the Gov. would be traveling. The request would come in the assignment made according to who was scheduled to work. Sometimes months or weeks notices other times a day or hours notice. The packet of papers would be given to the trooper and he would handle the detail. When the member returned he would shred or give paperwork to the secretary and she would shred it. The only thing filed was the HP-1 and maybe some of the forms if they were attached. He advised an electronic copy was kept on the computer.

Captain Melvin advised he remembers going to Florida with the First Lady, Richard Moore's wife, Judy Easley, and some of the Kenan family in 2005. He does not remember if it was a private plane or the Commerce plane. He thought it was dealing

with art museum. He doesn't know about any private flight in 07' since he was gone from the E.P. in the fall of 07'.

Captain Melvin advised the only way to tell if it was a private flight was if the new form he modified was used rather than a commerce form. He advised there were a bunch of private flights back in the fall of 03'. He stated private flights are not filed any differently than the other flights and that they are all filed electronically.

Captain Melvin admits that he carried a computer hard drive in a box to former Governor Easley's residence while off duty and out of uniform on his fathers car. He denies sharing any patrol documents or information with the former Governor and that it was a personal hard drive. Captain Melvin also advised that the date in question was the only time he has ever been to the new personal residence of ex-Governor Easley.

First Sergeant C. J. Stephens

First Sergeant Stephens was assigned to E.P. from 93' until September 07'. He was in charge of E.P. for the last six months he was there. First Sergeant Stephens advised that Captain Melvin designed the Events Assignment Sheet and that the Itinerary form is a modified Commerce form. He was not sure what happened to the sheets after the trooper's assignment but he felt they were shredded and a copy was maintained on Ms. Diane's computer. He advised private flights were not kept any different than the other flights other than the form would have private on it. He stated Ms. Diane would set-up packet for assigned troopers for the Governor's event.

First Sergeant Stephens does not remember a trip to Fort Lauderdale and doesn't remember a trip to New York in the fall of 07'. He stated the Gov. went to Florida a lot. He advised the Gov. did not fly private often, maybe one or two times every six months.

Sergeant D. P. Wainright

Sergeant Wainwright has been assigned to E.P. since August of 04' and has been in charge of the detail since September 07' to the present day. Sergeant Wainright advised that the notice of the Governor's plans to travel come from various sources and there is no set person each time that makes the notification. He advised it is ever changing as to if the Gov. is going to travel or not. Some times it is a last minute thing. He advised he thinks Captain Melvin or Ms. Diane designed the Events Assignment form that is used, but it was there before he got there and isn't sure who designed it. He advised Captain Melvin Modified the Commerce Flight Itinerary and used it for private flights. Sergeant Wainright advised he has never used the private flights itinerary form. He stated the private flight that has taken place since he was there was set up by someone else.

Sergeant Wainright explained that if E.P. knows in advance about travel they will fill out an event form with all information. They use the events form as an in house form as a way to disseminate information. It is given to the trooper as here is the location, time, how you get there, and needed phone numbers. He advised the form has worked for them as long as he has been there.

Sergeant Wainright advised the only thing he may have to document a private flight would be the private flight form. He advised if a third party sets up the flight and they don't send him an Itinerary then he won't have one at all. He would hand trooper sheet with be at RDU at the assigned time with the Governor.

Sergeant Wainwright advised all available information is given to the assigned trooper of the event. He describes it as a packet. The events sheet, maps, anything pertaining to the assignment. When the trooper gets back he usually puts it in Ms. Diane's basket and she shreds it. Ms. Diane keeps a copy of everything associated with that event on the computer. The HP-1 is the only form we file. He advised there are no other records kept concerning the Governor's travel by them except what is on Ms. Diane's computer. He advised Ms. Diane designed a spread sheet to keep up with campaign travel that allows them to get reimbursed for travel mileage.

Sergeant Wainright had no knowledge of a trip to Florida in 05' and stated that was before he was in charge, and he did not go on a trip. Sergeant Wainright could not recall a trip to New York in November of 07'. Sergeant Wainright advised since he has been in charge there have been only two private flights that he is aware of, one was a helicopter in Brunswick County and one was a flight to Florida on Hendricks plane.

Diane Bumgardner

Ms Bumgardner has worked as the secretary at the E.P. since February 2005. She advised she completes the packets that are given to the troopers when she receives the information. She advised no flight itineraries are created by Governor's Security, and that they are received from the Dept. of Commerce if it is the State's plane. She advised if a folder does not have a flight itinerary in then they did not get one. She advised in the past Captain Melvin always made the flight itineraries. She advised private events can be state aircraft used. She only remembers one private flight in last 18 months and it was in B-5, and flown by McQueen Campbell.

Ms. Bumgardner advised she has two folders set up in her computer for Governor's travel. One named Campaign Events and one named State Events. Then in each folder she has the year and it is broken down into four quarters. Ms. Bumgardner says nothing has been deleted from her computer pertaining to any governor's events or private flights to her knowledge.

Page 4

Ms. Bumgardner when asked at a later date by telephone, what happened to the 2003, 2004, and 2005 files for Governor Events, advised that when they returned to the Governor's mansion in February 2006 Captain Melvin told her to download those records on a Disk in order to free up space on the computer. She downloaded those records on a disk and gave it to Captain Melvin.

Lieutenant A. H. Batchelor

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:09 AM
To: Poole, Patricia
Subject: FW: Request for access to records

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Tuesday, January 06, 2009 1:51 PM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Request for access to records

Capt. Clendenin,

It was good to speak with you yesterday.

As a follow-up to our conversation, I understand that you are the custodian of the records I am seeking.

As such I am making my request to you under the public records law of North Carolina.

The N&O seeks access to:

All records related to the travel and expenses for troopers and/or other government employees associated with travel duties for Gov. Mike Easley since 2001.

I understand this may generate a volume of material.

As such, I ask that you begin with most recent travel and that you release access to those records as they become available on a yearly basis.

That is, if there is a volume of material associated with this request, I request access to the travel detail records for 2008 first. Then, 2007. And so on.

I look forward to working with you on this request.

If I can provide assistance or other clarification, please let me know.

I can be reached at 829-4840 or at acurliss@newsobserver.com

All thanks.

Andy

6/1/2009

Clendenin, Everett

From: Clendenin, Everett
Sent: Wednesday, January 07, 2009 3:26 PM
To: Andy Curliss
Subject: RE: Request for access to records

I have received your request and I am working on it.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Wednesday, January 07, 2009 2:07 PM
To: Clendenin, Everett; acurliss@mailman.nando.com
Subject: Re: Request for access to records

Capt.,

Hope you are doing well.

I just left you a message. Want to make sure you received the message below.

Please let me know where things stand.

Andy

On Jan 6, 2009, at 1:51 PM, Andy Curliss wrote:

Capt. Clendenin,

It was good to speak with you yesterday.

As a follow-up to our conversation, I understand that you are the custodian of the records I am seeking.

As such I am making my request to you under the public records law of North Carolina.

The N&O seeks access to:

All records related to the travel and expenses for troopers and/or other government employees associated with travel duties for Gov. Mike Easley since 2001.

I understand this may generate a volume of material.

As such, I ask that you begin with most recent travel and that you release access to those records as they

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become available on a yearly basis.

That is, if there is a volume of material associated with this request, I request access to the travel detail records for 2008 first. Then, 2007. And so on.

I look forward to working with you on this request.

If I can provide assistance or other clarification, please let me know.

I can be reached at 829-4840 or at acurliss@newsobserver.com

All thanks.

Andy

--

Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

--

Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:13 AM
To: Poole, Patricia
Subject: FW: Request for access to records

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Wednesday, January 07, 2009 2:07 PM~~
To: Clendenin, Everett; acurliss@mailman.nando.com
Subject: Re: Request for access to records

Capt.,

Hope you are doing well.

I just left you a message. Want to make sure you received the message below.

Please let me know where things stand.

Andy

On Jan 6, 2009, at 1:51 PM, Andy Curliss wrote:

Capt. Clendenin,

It was good to speak with you yesterday.

As a follow-up to our conversation, I understand that you are the custodian of the records I am seeking.

As such I am making my request to you under the public records law of North Carolina.

The N&O seeks access to:

All records related to the travel and expenses for troopers and/or other government employees associated with travel duties for Gov. Mike Easley since 2001.

I understand this may generate a volume of material.

As such, I ask that you begin with most recent travel and that you release access to those records as they become available on a yearly basis.

6/1/2009

That is, if there is a volume of material associated with this request, I request access to the travel detail records for 2008 first. Then, 2007. And so on.

I look forward to working with you on this request.

If I can provide assistance or other clarification, please let me know.

I can be reached at 829-4840 or at acurliss@newsobserver.com

All thanks.

Andy

--

Andy Curliss
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--

Andy Curliss
Staff Writer
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direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:14 AM
To: Poole, Patricia
Subject: FW: Request for access to records

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Tuesday, January 13, 2009 10:27 AM
To: Clendenin, Everett
Subject: Re: Request for access to records

Capt.,

What is estimated time for releasing the below information to me?

I will be leaving on an out of town trip Thursday afternoon and will not return until the following Tuesday, Jan. 20.

I am trying to get an idea if I will have the information before then; will need to plan for someone else to look at the records Thursday or Friday; or whether the records will be available next Tuesday (a week from today).

Your guidance is appreciated.

Andy

On Jan 7, 2009, at 3:26 PM, Clendenin, Everett wrote:

I have received your request and I am working on it.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Wednesday, January 07, 2009 2:07 PM
To: Clendenin, Everett; acurliss@mailman.nando.com
Subject: Re: Request for access to records

6/1/2009

Capt.,

Hope you are doing well.

I just left you a message. Want to make sure you received the message below.

Please let me know where things stand.

Andy

On Jan 6, 2009, at 1:51 PM, Andy Curliss wrote:

Capt. Clendenin,

It was good to speak with you yesterday.

As a follow-up to our conversation, I understand that you are the custodian of the records I am seeking.

As such I am making my request to you under the public records law of North Carolina.

The N&O seeks access to:

All records related to the travel and expenses for troopers and/or other government employees associated with travel duties for Gov. Mike Easley since 2001.

I understand this may generate a volume of material.

As such, I ask that you begin with most recent travel and that you release access to those records as they become available on a yearly basis.

That is, if there is a volume of material associated with this request, I request access to the travel detail records for 2008 first. Then, 2007. And so on.

I look forward to working with you on this request.

If I can provide assistance or other clarification, please let me know.

I can be reached at 829-4840 or at acurliss@newsobserver.com

All thanks.

Andy

--

Andy Curliss
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--

Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:15 AM
To: Poole, Patricia
Subject: FW: Request for access to records

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Tuesday, January 13, 2009 11:23 AM~~
To: Clendenin, Everett
Subject: Re: Request for access to records

Thanks.

As I said, I'll take the information as it becomes available.

If you have six months ready, give me a call. And we'll go from there.

Just please keep me posted.

All thanks.

Andy

On Jan 13, 2009, at 11:10 AM, Clendenin, Everett wrote:

Our people are pulling the information and I can tell you it is going to take a little while. Not sure if it will be ready Thursday.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:17 AM
To: Poole, Patricia
Subject: FW: Request for access to records

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Wednesday, January 21, 2009 5:54 PM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Re: Request for access to records

Capt.,

What is the update on timeframe when I can begin looking at some records?

Andy

On Jan 13, 2009, at 11:10 AM, Clendenin, Everett wrote:

Our people are pulling the information and I can tell you it is going to take a little while. Not sure if it will be ready Thursday.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:18 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Tuesday, January 27, 2009 5:08 PM~~
To: Clendenin, Everett
Subject: Re: Request

Perhaps we can arrange a good time to talk and make sure we are on the same page...

On Jan 27, 2009, at 4:08 PM, Clendenin, Everett wrote:

Hey,

They (fiscal section) are pulling the most current information. I met with them on Friday; this is a huge request because of the manual labor involved. They have to pull the records individually and see if the requested information is on the document. Please know that we are working on it. I ask them to provide me 2008 as soon as they can.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:22 AM
To: Poole, Patricia
Subject: FW: Amended request for travel and expense records

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Friday, January 30, 2009 2:16 PM~~
To: Clendenin, Everett
Subject: Re: Amended request for ~~travel and expense records~~

Got your message.

Thanks.

See you at 10 a.m. on Monday - 2nd floor of Archdale Building.

Andy

On Jan 30, 2009, at 1:05 PM, Clendenin, Everett wrote:

Thanks for the e-mail and I have called our fiscal staff and requested to meet with them.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:20 AM
To: Poole, Patricia
Subject: FW: Amended request for travel and expense records

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Friday, January 30, 2009 12:35 PM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Amended request for travel and expense records

Capt. Clendenin,

This is a follow up to our conversation of this morning.

By this email, the N&O amends its earlier request for records, first received by you orally on Jan. 5 and in writing on Jan. 6.

The N&O now seeks access to all travel and expense files related to the Executive Protection Detail since 2001. If the records are comingled with all state trooper or Department of Crime Control officials, then consider this a request to review all travel and expense records of the universe of files within which the Executive Protection Detail records reside.

I stand ready to visit the offices where the records are housed to inspect them in person, as state law allows.

This adjustment will alleviate any burden on the fiscal staff that you have described to me and expedite my review of the records.

In addition, you stated that my request is "not a priority" to the fiscal staff at a time of impending budget cuts.

The N&O makes its request under the provisions of the North Carolina Public Records Law that states, "Every custodian of public records shall permit any record in the custodian's custody to be inspected and examined at reasonable times and under reasonable supervision by any person..."

I will plan to be available to inspect the above records early next week.

If you have questions about my request or need to contact me, please call me at 829-4840 or on my cell phone at 810-7179.

6/1/2009

Thank you.

Andy Curliss
Staff Writer
The News & Observer

On Jan 27, 2009, at 4:08 PM, Clendenin, Everett wrote:

Hey,

They (fiscal section) are pulling the most current information. I met with them on Friday; this is a huge request because of the manual labor involved. They have to pull the records individually and see if the requested information is on the document. Please know that we are working on it. I ask them to provide me 2008 as soon as they can.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:30 AM
To: Poole, Patricia
Subject: FW: request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Monday, February 02, 2009 3:32 PM
To: Clendenin, Everett
Subject: Re: request

Disregard my last message to you.

I figured it out.

Andy

On Feb 2, 2009, at 3:26 PM, Clendenin, Everett wrote:

Per our conversation this morning please find the attached document.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

<security 01 to 09 release.xls>

Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:31 AM
To: Poole, Patricia
Subject: FW: request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Monday, February 02, 2009 4:39 PM~~
To: Clendenin, Everett
Subject: Re: request

Capt.,

As we discussed, let's gather as much as we can on one of the trips — either through emails, BDAs, HP-1s and other documentation.

Please provide all information related to this trip.

CENTER	ACCOUNT	DATE	CHECK	INVOICE	AMOUNT	VENDOR/GR				
962	532724	4/2/08	7E+05	EXP030608-031508	885.28	238195937				

On Feb 2, 2009, at 4:00 PM, Clendenin, Everett wrote:

Hey,

We do not disclose the names of our troopers that work on the security detail. You still have the dates and a number beside each trip.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Monday, February 02, 2009 3:31 PM
To: Clendenin, Everett
Subject: Re: request

6/1/2009

Received -- but it does not have the names of the people.

It should.

Please re-send.

Andy

On Feb 2, 2009, at 3:26 PM, Clendenin, Everett wrote:

Per our conversation this morning please find the attached document.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

<security 01 to 09 release.xls>

--

Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:32 AM
To: Poole, Patricia
Subject: FW: N&O request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Wednesday, February 04, 2009 2:47 PM~~
To: Clendenin, Everett
Subject: N&O request

What is status of request for more information made earlier this week on that one particular trip?

Andy

Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:32 AM
To: Poole, Patricia
Subject: FW: N&O request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Friday, February 06, 2009 1:40 PM~~
To: Clendenin, Everett
Subject: Re: N&O request

Should I stop by then?

On Feb 6, 2009, at 1:20 PM, Clendenin, Everett wrote:

I have been told I will have something Monday morning.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Wednesday, February 04, 2009 2:47 PM
To: Clendenin, Everett
Subject: N&O request

What is status of request for more information made earlier this week on that one particular trip?

Andy

--

Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

--

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:38 AM
To: Poole, Patricia
Subject: FW: N&O request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Monday, February 09, 2009 11:20 AM~~
To: Clendenin, Everett
Subject: Re: N&O request

Received...

Would like to discuss some questions I have...

What is good time for you?

Andy

On Feb 9, 2009, at 9:45 AM, Clendenin, Everett wrote:

Faxed it to you 30 minutes ago.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:36 AM
To: Poole, Patricia
Subject: FW: N&O request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Monday, February 09, 2009 9:43 AM
To: Clendenin, Everett
Subject: Re: N&O request

Checking back per your email below.

Where do things stand?

Andy

On Feb 6, 2009, at 2:14 PM, Clendenin, Everett wrote:

Check with me Monday morning, I want to make sure I have them in my hand.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:38 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Tuesday, February 10, 2009 12:17 PM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Request

Capt.,

Following up on our telephone conversation of yesterday.

The N&O requests:

1. An electronic copy of the State Highway Patrol policy and procedures manual, the latest version.
2. An electronic copy of the financial and policy forms manual as used by the controller's office in CCPS, the latest version.
3. The database or other electronic record of current CCPS Form #153, with a record layout showing all fields, covering the years 2001 through 2008.
It appears the form #153 in use today was last revised on Nov. 2, 2002. We can handle most any electronic data format, such as a spreadsheet or comma delimited text file.
Please provide all field definitions and any code descriptions.
4. The database or other electronic record of current CCPS Form #60, with a record layout showing all fields, covering the years 2001 through 2008.
It appears the form #60 in use today was last revised in August 2007. We can handle most any electronic data format, such as a spreadsheet or comma delimited text file.
Please provide all field definitions and any code descriptions.
5. Any list or other documents relating to private aircraft and/or private pilots used by former Gov. Mike Easley and/or former First Lady Mary Easley.
This includes -- but is not limited to -- any information contained in HP-1 forms as completed by the Executive Protection Detail.
6. All email messages sent to or received by the Executive Protection Detail staff and troopers related to travel on private aircraft with former Gov. Mike Easley and/or former First Lady Mary Easley.

6/1/2009

The email request includes, but is not limited to, all messages sent to or received by: Diane Bumgardner, Alan Melvin, C.J. Stephens, David Wainright, Joel Creech, Chris Day, Margaret Landon, Glenn Powell, Clark White, B.J. Miller, Neal Holmes, Charles Alford or Mike Galleo.

7. The reason -- and citation in state law -- why trooper names have been redacted from documents previously provided to me.

I can be reached at 829-4840 or on my cell at 810-7179.

Andy

--
Andy Curless
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:39 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Thursday, February 12, 2009 10:18 AM~~
To: Clendenin, Everett
Subject: Re: Request

Capt.,

Where do we stand on this?

I'd like to get squared away on this if we can...

Andy

On Feb 11, 2009, at 11:02 AM, Clendenin, Everett wrote:

Andy,

I have read over your request and will be back in touch with you.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:40 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Thursday, February 12, 2009 12:08 PM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Re: Request

Capt.,

Thanks for your reponse. I'll answer in the same form as you did....

In regard to:

#1 and #2 - Let me know when I should come over to get the disc.

#3 - I'd like to look at all of the CCPS 153 paper forms for the Executive Protection Detail, Jan. 2001 to Jan. 10, 2009. How do we best facilitate that? I take it from your message that you are already researching this. Just want to be clear on what the next step would be for me to access those paper records.

#4 - Please get back to me as more information becomes available.

#5 - Please get back to me as more information becomes available.

#6 - Please get back to me as more information becomes available.

#7 - The N&O's position is that GS 132-1.7 says public records do not include specific details of security plans or plans to prevent or respond to terrorist activity.

But GS 132-1.7 does make public the budgetary information concerning the authorization or expenditure of public funds to implement public security plans and arrangements. The N&O's position is that the person who sought authorization to spend public money and then spent such public money while implementing a security arrangement is a public component of a public record.

Your cooperation on this aspect of The N&O's request will, as you know, facilitate a more prompt release of the public records now sought.

6/1/2009

Give me a call if you want to talk.

I am at 829-4840.

Andy

On Feb 12, 2009, at 10:55 AM, Clendenin, Everett wrote:

#1 and 2- I have the HP policies on a disk for you and have requested a copy of the policy forms used by the controller's office.

#3- There is no electronic database for the CCPS 153. The forms are on our web server and each division within the department would fill out the 153 and submit it in a paper form to the fiscal section for processing. I have been told the forms are filed for several years but verifying that.

#4 I have made the request

#5 I have made the request

#6 I have made the request

#7 refer to GS 132-1.7 and I have asked our attorney if the names are protected and awaiting his response.

Everett

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:43 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Monday, February 16, 2009 3:35 PM
To: Andy Curliss
Cc: Clendenin, Everett; acurliss@mailman.nando.com
Subject: Re: Request

Capt.,

Where do things stand on below request?

Would like to get out of your hair soon...

Andy

On Feb 12, 2009, at 12:07 PM, Andy Curliss wrote:

Capt.,

Thanks for your reponse. I'll answer in the same form as you did....

In regard to:

#1 and #2 - Let me know when I should come over to get the disc.

#3 - I'd like to look at all of the CCPS 153 paper forms for the Executive Protection Detail, Jan. 2001 to Jan. 10, 2009. How do we best facilitate that? I take it from your message that you are already researching this. Just want to be clear on what the next step would be for me to access those paper records.

#4 - Please get back to me as more information becomes available.

#5 - Please get back to me as more information becomes available.

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#6 - Please get back to me as more information becomes available.

#7 - The N&O's position is that GS 132-1.7 says public records do not include specific details of security plans or plans to prevent or respond to terrorist activity.

But GS 132-1.7 does make public the budgetary information concerning the authorization or expenditure of public funds to implement public security plans and arrangements. The N&O's position is that the person who sought authorization to spend public money and then spent such public money while implementing a security arrangement is a public component of a public record.

Your cooperation on this aspect of The N&O's request will, as you know, facilitate a more prompt release of the public records now sought.

Give me a call if you want to talk.

I am at 829-4840.

Andy

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:45 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Wednesday, February 18, 2009 3:07 PM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Re: Request

Capt.,

Where do things stand with the News & Observer's pending requests?

Specifically, what is the timeframe for providing access to the information The N&O has requested?

Thank you.

I can be reached at 829-4840 or on my cell at 810-7179.

I am relisting the pending request in short form for clarity's sake....

The N&O seeks access to:

1. Electronic copy of SHP policy and procedures manual.
2. Electronic copy of CCPS financial and policy forms manual.
3. All paper copies of current CCPS Form #153, years 2001 through Jan. 10, 2009.
4. Electronic copy of current CCPS Form #60 -- all filings by Executive Protection Detail -- for years 2001 to Jan. 10, 2009 .
5. Any list and other documents relating to private aircraft and private pilots used by former Gov. Mike Easley and/or former First Lady Mary Easley. Includes HP-1 forms as completed by Executive Protection Detail.
6. All email messages sent to or received by the Executive Protection Detail staff and troopers related to travel on private aircraft with former Gov. Mike Easley and/or former First Lady Mary Easley. Includes but not limited to messages involving D. Bumgardner, Alan Melvin, CJ Stephens, David Wainright,

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Joel Creech, Chris Day, Margaret Landon, Glenn Powell, Clark White, BJ Miller, Charles Alford or Mike Galleo. Again, not limited to those.

7. Reason and citation in state law why you redacted trooper names from some documents previously provided to The N&O.

On Feb 16, 2009, at 3:40 PM, Clendenin, Everett wrote:

Still waiting on the materials on my end.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:47 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Thursday, February 19, 2009 2:33 PM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Re: Request

Capt.,

Howdy.

Do you have some materials for The N&O?

Andy

On Feb 18, 2009, at 4:24 PM, Clendenin, Everett wrote:

I have been told that I should have some e-mails and flight plans Thursday pursuant to your request. I will have our policies also.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:48 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Friday, February 20, 2009 11:30 AM
To: Clendenin, Everett
Subject: Re: Request

I am planning to swing by around 1:30 p.m.

Will check at ground floor desk first for something.

Call my cell at 810-7179 if a problem.

Andy

On Feb 20, 2009, at 7:21 AM, Clendenin, Everett wrote:

I have some documents for you and a cd of patrol policies.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:50 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Friday, February 20, 2009 2:33 PM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Re: Request

Received.

Obviously, it only appears to be partial records related to my request.

How do I obtain all of the flight itineraries and other information The N&O has requested that is responsive to my request?

And what is the timeframe for responding in full?

I'm at 810-7179 on cell or 829-4840 on desk.

Andy

On Feb 20, 2009, at 1:29 PM, Clendenin, Everett wrote:

The package is there!!

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:52 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Monday, February 23, 2009 11:07 AM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Re: Request

Capt.,

I received your phone message on Friday evening.

Sorry I missed you.

I'd like to clarify a couple of things:

1. It appears that the documents provided to me were responsive to my request #5 which sought documents relating to use of private pilots or private aircraft. However, the documents released to me only covered portions of May 2003 to Oct. 2004 with a single document from Oct. 2006 also provided. My request covered the period Jan. 1, 2001 to Jan. 10, 2009.

When will the additional records be provided?

In addition, why were these the only records provided?

2. You mentioned some type of legal review that is under way. The N&O would like to be a part of that discussion. I am confident that we can reach an agreement that releases the information the newspaper seeks while also allaying any concerns by CCPS about security issues.

3. What is the timeframe for providing an electronic copy of all filings of CCPS Form #60.

4. What is the timeframe for providing access to email messages related to the Executive Protection Detail members previously cited. Again, some of the records provided to me are responsive to this aspect of my request. However, the documents released cover only a few instances of correspondence. In at least one case, a document provided is incomplete.

Is there a good time for us to touch base?

6/1/2009

I am at 829-4840 or 810-7179 (cell).

Andy

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:53 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Tuesday, February 24, 2009 9:55 AM~~
To: Clendenin, Everett
Subject: Re: Request

Just left you a message.

Hope we can connect.

I'm at 829-4840.

Andy

On Feb 24, 2009, at 9:48 AM, Clendenin, Everett wrote:

Andy,

You have a copy of the forms concerning your request. Our concern is that these forms reveal names of detail members and how many troopers travel with the Governor. We are trying to work through this and determine what we can release without compromising security.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:54 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Thursday, February 26, 2009 10:52 AM~~
To: Clendenin, Everett
Subject: Request

Any word on where we stand?

As I recall, the outstanding issues at this time are:

1. SHP should provide private flight itineraries covering 2001, 2002, Jan. to May 2003, July to November 2003, 2005, 2006, 2007, 2008 and Jan. 1 to Jan. 10 2009.
2. SHP should provide page 2 of the Diane Bumgardner email last dated Nov. 12, 2003.
3. SHP should provide additional emails from Diane Bumgardner, Alan Melvin, CJ Stephens, David Wainright, Joel Creech, Chris Day, Margaret Landon, Glenn Powell, Clark White, BJ Miller, Charles Alford, Mike Galleo and others related to private travel.
4. SHP should provide an electronic copy of current CCPS Form #60 -- all filings by Executive Protection Detail -- for years 2001 to Jan. 10, 2009.
5. SHP should provide an electronic copy of the financial forms and policies manual.

I can be reached at 829-4840.

--
Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:55 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Tuesday, March 03, 2009 2:55 PM~~
To: Clendenin, Everett
Subject: Re: Request

Left you another message.

Please return my call.

Andy

On Feb 26, 2009, at 1:23 PM, Clendenin, Everett wrote:

Hey,

I'm working on it!

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:56 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Tuesday, March 10, 2009 2:27 PM~~
To: Andy Curliss
Cc: Clendenin, Everett; acurliss@mailman.nando.com
Subject: Re: Request

Capt.,

Where do things stand on the N&O's pending requests?

As I have previously stated, The N&O stands ready to collect paper sheets of expenses on a daily basis.

To date, The N&O has received no documents.

Andy

On Mar 9, 2009, at 10:45 AM, Andy Curliss wrote:

Capt.,

Hope you are well.

Where do we stand on my earlier request for exepense forms -- the one sent with an attached spreadsheet detailing the request? As stated in that request, The N&O is prepared to collect paper sheets on a daily basis. To date, I have no response to that request.

In addition to that:

1. The N&O requests a list of all private aircraft that the security detail for Gov. Mike Easley or First Lady Mary Easley flew on from Jan. 1, 2001 to Jan. 10, 2009.

This information should include dates of travel as accurately as can be provided.

2. The N&O requests an interview with Commander Walter J. Wilson.

6/1/2009

3. The N&O requests an interview with Secretary Reuben F. Young.

Please respond promptly.

Andy

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 8:58 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Thursday, March 12, 2009 4:53 PM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Re: Request

Capt.,

The members of the detail have information and knowledge about private flights taken since Jan. 1, 2001. The Highway Patrol should provide that information, whether it is in written form or not. If my latest request has been somehow construed to be limited to a request for only a written list, please amend it to include a request for the information however it is kept — including in the memories of the detail.

Again, they have that knowledge. Providing it is pursuant to my request for information and in keeping with Gov. Beverly Perdue's explicit instructions to conduct the business of state government in the sunshine.

I need to speak with the new Secretary about this. He should not purposefully avoid my questions.

In addition to my earlier requests, The N&O seeks:

1. All information -- including budgetary and expense information -- related to the rental of a home in Southport as part of the security plan for Gov. Mike Easley.

As we just discussed, we will speak on Friday about this.

Andy

On Mar 12, 2009, at 4:01 PM, Clendenin, Everett wrote:

Andy,

The department has provided all documents specifically related to private aircraft travel involving the security detail. There is no other documentation. Secretary Young is declining your request to interview based on the fact that I was speaking for the department when I interviewed with you earlier concerning the matter. Colonel Wilson is in DC; I will share your request with him when he returns Monday.

We are still working on the method we will use concerning your request for expense documents.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:00 AM
To: Poole, Patricia
Subject: FW: Records request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Thursday, March 19, 2009 1:25 PM
To: Clendenin, Everett
Subject: Re: Records request

I received it related to motel.

On Mar 19, 2009, at 11:34 AM, Clendenin, Everett wrote:

I just sent you another fax concerning yesterday's request. We are working on gathering additional documents.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

-----Original Message-----

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Thursday, March 19, 2009 11:32 AM
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Records request

I received the fax.

The N&O requests all similar documents related to private flights taken by former Gov. Mike Easley.

Please provide promptly.

Andy

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:01 AM
To: Poole, Patricia
Subject: FW: Records request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Friday, March 20, 2009 10:20 AM
To: Clendenin, Everett
Subject: Re: Records request

Where do we stand on further records?

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:02 AM
To: Poole, Patricia
Subject: FW: Request, with urgency

Captain Everett Clendenin
 Public Information Officer
 North Carolina State Highway Patrol
 Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Thursday, March 26, 2009 10:34 PM
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Request, with urgency

Capt.,

As you know, I have tried to be accommodating on timeliness on getting back requests.

However, I would like to receive the following expense reports as soon as possible on Friday.

I appreciate your assistance with this.

INVOICE AMOUNT	VENDOR	
EXP041508- 042708		3,318.7 2381959 6 37
EXP041508- 042708		28.75238195937
EXP041508- 042708		448.87238195937
EXP041508- 042708		275.42238195937
EXP062008- 062708		116.50238195937
EXP081508- 081708		85.25238195937
EXP101508- 101708		50.75238195937
EXP102408- 102608		77.75238195937
EXP110708- 111008		92.25238195937
EXP112108-		

6/1/2009

112308
EXP120108-
120308
EXP120108-
120308
EXP120108-
120308

68.00238195937
391.60238195937
82.25238195937
92.00238195937

--
Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:02 AM
To: Poole, Patricia
Subject: FW: House

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Friday, April 03, 2009 3:41 PM~~
To: Clendenin, Everett
Subject: House

Capt.,

Why no payment on house in 6/2007?

Why no payments Nov. 2005-Feb. 2006, as contract allows?

--
Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:02 AM
To: Poole, Patricia
Subject: FW: Records?

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Monday, April 06, 2009 3:33 PM
To: Clendenin, Everett
Subject: Records?

Are there more expense records coming?

As we discussed on Friday, the output has slowed to a trickle -- and it appears that not all have been provided.

Andy

Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]

Sent: Sunday, May 31, 2009 9:03 AM

To: Poole, Patricia

Subject: FW: House

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]

Sent: ~~Thursday, April 09, 2009 2:10 PM~~

To: Clendenin, Everett

Subject: Re: House

On others.... meaning -- you have found that there was a 2005?

On Apr 9, 2009, at 2:08 PM, Clendenin, Everett wrote:

There is a package of expense forms at the desk for you. We are working on others.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:03 AM
To: Poole, Patricia
Subject: FW: House

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Monday, April 13, 2009 9:13 AM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Re: House

Capt.,

That just can't be.

Your records include up until Nov. 2004 and then pick up again in Jan. 2006.

Why is there this unexplained gap?

Andy

On Apr 9, 2009, at 2:29 PM, Clendenin, Everett wrote:

I have been assured that I have all copies and I have provided you all that I have.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:04 AM
To: Poole, Patricia
Subject: FW: House

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Monday, April 13, 2009 12:25 PM
To: Clendenin, Everett
Subject: Re: House

Capt.,

The N&O requests an interview with Col. Wilson and Sec. Young about the record keeping of the highway patrol.

Andy

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:05 AM
To: Poole, Patricia
Subject: FW: Package

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Wednesday, April 22, 2009 3:28 PM~~
To: Clendenin, Everett
Subject: Re: Package

What happened to them?

Also -- where do we stand on the expense forms, as we previously discussed?

On Apr 22, 2009, at 2:19 PM, Clendenin, Everett wrote:

Andy,

The Colonel has looked into the matter and we have not been able to locate the 2005 forms (Governor Event Forms) you are asking about.

We have provided you copies of all the forms we have pursuant to your request.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:05 AM
To: Poole, Patricia
Subject: FW: Request for information

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Thursday, April 23, 2009 6:08 PM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Request for information

The News & Observer requests all documents, emails, records, memos or other information related to the travel of:

Gov. Mike Easley
Lt. Alan Melvin
Sgt. C.J. Stephens

for the time period from Sunday, Nov. 6, 2005, beginning at noon and continuing until Friday, Nov. 11, 2005, ending at 5 p.m.

Please provide this information promptly.

Andy

Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:06 AM
To: Poole, Patricia
Subject: FW: Request for expense forms...

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Friday, May 01, 2009 4:29 PM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Request for expense forms...

Capt.,

To date I have received only a few from 2004...

Please provide these from that year on Monday.

Also:

1. Motel invoices.
2. Motel memo or other justification for switching to the house.
3. Other expense forms.
4. Interview with Col. Wilson.

Andy

532724	5894 EXP062304- 72 070404	6/23/04 7/14/04	213.51	2445372 61
532715	59129EXP062504- 5070704	6/25/04 8/2/04	119.38243159437	
532722	59129EXP062504- 5070704	6/25/04 8/2/04	250.90243159437	
532724	59129EXP062504- 5070704	6/25/04 8/2/04	171.54243159437	
532725	59129EXP062504- 5070704	6/25/04 8/2/04	112.83243159437	
532728	59129EXP062504-	6/25/04 8/2/04	20.00243159437	

6/1/2009

	5070704			
532724	59459EXP062504- 1071804	6/25/04	8/25/04	167.87241217259
532725	59459EXP062504- 1071804	6/25/04	8/25/04	126.27241217259
532728	59459EXP062504- 1071804	6/25/04	8/25/04	20.00241217259

--
Andy Curless
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:06 AM
To: Poole, Patricia
Subject: FW: Request for expense forms...

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Tuesday, May 05, 2009 11:42 AM~~
To: Clendenin, Everett
Subject: Re: Request for expense forms...

Col. Wilson?

On May 5, 2009, at 11:37 AM, Clendenin, Everett wrote:

The package is still at the desk for you.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:07 AM
To: Poole, Patricia
Subject: FW: Request for expense forms...

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Tuesday, May 05, 2009 2:10 PM~~
To: Clendenin, Everett
Subject: Re: Request for expense forms...

The package you just gave me is incomplete.

Only a few hotel bills.

How much was spent at the motel 2001-2006?

I'll call you -- couple of other questions.

On May 5, 2009, at 12:40 PM, Clendenin, Everett wrote:

He will interview with you; he returns to the office Thursday, I believe. He is out of the office today and Wed.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:07 AM
To: Poole, Patricia
Subject: FW: Work schedule request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Friday, May 08, 2009 10:33 AM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Work schedule request

Capt.,

Please provide work schedule for Alan Melvin on Wed., Feb. 18, 2009.

--
Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:08 AM
To: Poole, Patricia
Subject: FW: Requests

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Friday, May 08, 2009 3:00 PM~~
To: Clendenin, Everett
Subject: Requests

Capt.,

The N&O continues to seek expense forms pursuant to its requests and spreadsheet information that has been provided.

The N&O also seeks all records of private travel for Beverly Perdue since Nov. 1, 2008.

Please provide promptly.

Andy

--
Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:09 AM
To: Poole, Patricia
Subject: FW: Captain J. A. Melvin

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Tuesday, May 12, 2009 11:34 AM~~
To: Clendenin, Everett
Subject: Re: Captain J. A. Melvin

Do you have a higher resolution photo than the one provided?

Andy

On May 12, 2009, at 9:04 AM, Clendenin, Everett wrote:

Andy,

Per your request:

Melvin was sworn in on August 95 and is assigned to our Technical Services Unit in Raleigh. At this time I'm clarifying what I can release in terms of his dates of service at the detail and the dates of his promotion. I can provide his most recent promotion to Captain which was in April 2007.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

<Melvin.jpg>

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:09 AM
To: Poole, Patricia
Subject: FW: Question...

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Wednesday, May 13, 2009 9:23 AM~~
To: Clendenin, Everett
Subject: Question...

From a reader...

Does the colonel have to parse his questions when talking to Alan Melvin, as in specifically having to ask if he was somewhere while "off duty on personal time?"

Or can the colonel just ask an underling if he was somewhere or not?

Andy

Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:16 AM
To: Poole, Patricia
Subject: FW: What is the tail number on the April 6 flight?

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Friday, May 15, 2009 1:32 PM~~
To: Clendenin, Everett
Subject: What is the tail number on the April 6 flight?

--
Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:16 AM
To: Poole, Patricia
Subject: FW: question

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Friday, May 15, 2009 11:20 AM~~
To: Clendenin, Everett
Subject: Re: question

No -- the subpoena I received -- was it served today?

On May 15, 2009, at 11:04 AM, Clendenin, Everett wrote:

Not yet.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:12 AM
To: Poole, Patricia
Subject: FW: Melvin's schedule

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Thursday, May 14, 2009 3:48 PM~~
To: Clendenin, Everett
Subject: Re: Melvin's schedule

anybody else know?

also -- was the request in a letter?

On May 14, 2009, at 3:47 PM, Clendenin, Everett wrote:

Per your request;

Today the Highway Patrol provided copies of Easley's travel records while Governor to the NC State Board of Elections.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: Monday, May 11, 2009 11:30 AM
To: Clendenin, Everett
Subject: Melvin's schedule

Alan Melvin said he visited the governor on personal time for a personl visit.

That was on Feb. 18, a Wednesday, at about 2 p.m.

Your schedule records show he was working that day.

Is your schedule record in conflict with his statement?

Andy
--
Andy Curliss
Staff Writer

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:13 AM
To: Poole, Patricia
Subject: FW: Melvin's schedule

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Thursday, May 14, 2009 3:51 PM~~
To: Clendenin, Everett
Subject: Re: Melvin's schedule

please send me how the request was made.

On May 14, 2009, at 3:47 PM, Clendenin, Everett wrote:

Per your request;

Today the Highway Patrol provided copies of Easley's travel records while Governor to the NC State Board of Elections.

Captain Everett Clendenin
Public Information Officer
NC State Highway Patrol
Raleigh, NC

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:13 AM
To: Poole, Patricia
Subject: FW: Request

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Thursday, May 14, 2009 7:55 PM~~
To: Clendenin, Everett
Cc: acurliss@mailman.nando.com
Subject: Request

Capt...

The N&O again requests copies of any subpoena received by the SHP or its members by any state or federal agency. This would include subpoenas or other requests for interviews or information to the patrol or any of its members.

--
Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

6/1/2009

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:14 AM
To: Poole, Patricia
Subject: FW: question

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Friday, May 15, 2009 11:00 AM~~
To: Clendenin, Everett
Subject: question

served today?

date is May 13

--
Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
tollfree: 800.365.6115
fax: 919-829-4529

Poole, Patricia

From: Clendenin, Everett [eclendenin@nccrimecontrol.org]
Sent: Sunday, May 31, 2009 9:17 AM
To: Poole, Patricia
Subject: FW: Records

Captain Everett Clendenin
Public Information Officer
North Carolina State Highway Patrol
Raleigh, NC

From: Andy Curliss [mailto:acurliss@newsobserver.com]
Sent: ~~Tuesday, May 19, 2009 4:07 PM~~
To: Clendenin, Everett
Subject: Records

Capt.,

Please provide all records pursuant to the subpoenas that have not been provided to me, including records that may or may not be part of any internal investigation.

Please provide Melvin subpoena.

829-4840.

--
Andy Curliss
Staff Writer
The News & Observer
direct: 919.829.4840
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Records suggest more unreported flights

BY J. ANDREW CURLISS - STAFF WRITER

Published: Sat, May 09, 2009 02:00AM

Modified Fri, May 08, 2009 08:45PM

Former Gov. Mike Easley likely took more flights on private aircraft than are reflected in state Highway Patrol records.

A special unit that protects the governor handled logistics as part of its duties, including keeping up with flight itineraries. The unit also generates standard reports, known as a "governor's event" form, that describe planned transportation, security assignments, phone numbers, maps and other basic details of a speech or other event.

As a paramilitary organization, the patrol stresses proper recordkeeping to its members. And troopers always traveled with Easley, according to records and the private pilots who flew the governor. But the unit now says it didn't do a good job of maintaining its records all the time.

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That would include the entire year of 2005.

The unit has produced some records showing the whereabouts of Easley and his wife, Mary, for 2004, 2006, 2007, 2008 and into 2009. But there is nothing for the entire first year of Easley's second term. And there are gaps in the records that were provided.

McQueen Campbell, an N.C. State University trustee and Raleigh real-estate broker who was one of Easley's pilots, said he flew Easley to Florida in 2005, for example. But the patrol says it doesn't have records from that year.

Other documents raise the likelihood of additional flights:

In late 2003, as the Easley campaign scrambled to figure out some flights, manager Jay Reiff wrote in an e-mail message to staffers: "Look to have one of the NASCAR team planes fly him. They will not be racing and they have a lot of planes based in Concord."

The patrol has two records of Easley flying on NASCAR owner Rick Hendrick's team planes. Easley went to Iowa to campaign for Sen. John Edwards in 2004 and fishing in Key West, Fla., in 2008. Edwards' campaign paid for the Iowa trip; Hendrick paid for the Florida vacation.

When The News & Observer first sought records about the 2008 flight, the Highway Patrol said repeatedly over several weeks that one didn't exist. The patrol later reversed itself and produced that document.

A campaign e-mail message says Easley was on a plane owned by state Board of Transportation member Cameron McRae in spring 2003. On April 30 that year, a campaign staffer wrote: "Cameron McRae's plane is a King Air 300. ... He flew the Governor a couple of weeks ago."

There are no other records of that flight; McRae's lawyer says he can't find a record of it.

A Sept. 4, 2003, event form said that the governor would leave a meeting in the Research Triangle Park and go directly to the airport for "air travel." There are no state flights or other documents showing a flight that day.

The Easley campaign reported receiving donations of air charters and travel on numerous dates that do not match other flight records.

Easley and his campaign lawyer, John Wallace of Raleigh, refused interview requests.

The Highway Patrol's commander, Col. Walter Wilson, said he can't explain why there are no

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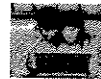
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records for 2005. The person in charge of the governor's protection detail for most of that time, Capt. Alan Melvin, refused to answer questions from The N&O.

Melvin traveled often with Easley. The N&O spotted Melvin at Easley's residence in Raleigh the day before the patrol released a first batch of records relating to private flights. A patrol spokesman said that Melvin at first denied being at Easley's house, but Melvin later said he misunderstood the question.

Melvin acknowledged that he had been at Easley's house; he said Friday he was there for a personal visit.

Because of gaps in the records, Wilson ordered an internal affairs investigation. That produced more records.

Wilson said that the protection unit's computers were examined and that the patrol has now produced all records that it has.

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COMMENTS

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Taxpayer2008 wrote on May, 9 3:09 PM:

Yes, the lower rung clerks hide the records when their bosses tell them to. Then the bosses claim they weren't aware of it.

I've been digging through 'public' records for years. If the lower rung employees don't break the law at their bosses orders, they are fired for insubordination and their records are closed for 'personnel reasons'.

Time honored retaliation in order to maintain the status quo.

Been there, done that.

[Recommend \(2\)](#) [Report abuse](#)



cadacon1 wrote on May, 9 3:01 PM:

So you actually believe the public records were hidden by the lowly employees? Guess you only comment on it instead of ever having to deal with this sort of thing. The higher ups are the ones who make these kinds of decisions, the lowly ones are only the ones who get the blame.

[Recommend \(1\)](#) [Report abuse](#)



Taxpayer2008 wrote on May, 9 2:52 PM:

Hiding public records is breaking the law.

[Recommend \(0\)](#) [Report abuse](#)



Taxpayer2008 wrote on May, 9 2:51 PM:

The 'lowly' employees are not imune from the law. If your boss tells you to break the law and you do it...you're guilty just the same.

They don't have to 'scream' foul...just 'whisper' it to the N&O. The State Troopers are some of the worst violators of the law. Easley put his dufus Brian Beatty in charge of Crime Control...and the Troopers who aided and abteted Easley in his law breaking.

[Recommend \(2\)](#) [Report abuse](#)



cadacon1 wrote on May, 9 1:45 PM:

ncoldsalt,
You should remember that one shouldn't throw rocks if one lives in a glass house. The "lowly" employees do as they are told. You cannot expect any employee to continually scream foul every time they think that something doesn't seem right.

I will say this though, you're a great armchair quarterback!

[Recommend \(0\)](#) [Report abuse](#)



jtshelinc wrote on May, 9 12:46 PM:

Do you think Perdue, Rand, or Basnight are going to allow this tp be properly investigated by authorities? It is time for an independent Investigation of this stuff...

\$3 billion in the hole, lies about the lottery, employment for Mary Easley at NC State, Basnight

Maria

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No wonder this state is in the gutter!!!

The Hickory Hound Blog

[Recommend \(2\)](#)

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ncoldsalt wrote on May, 9 11:15 AM:

"As a paramilitary organization, the patrol stresses proper recordkeeping to its members. And troopers always traveled with Easley, according to records and the private pilots who flew the governor. But the unit now says it didn't do a good job of maintaining its records all the time."

The remedy is not rocket science, immediately fire ALL involved from the most lowly employee to the very top of the food chain. They are not competent, period, the end. At some point, this madness MUST stop. Public trust is completely eroded. The entire highway patrol department needs a major change from top to bottom. Just wonder what other records they have lost?

[Recommend \(6\)](#)

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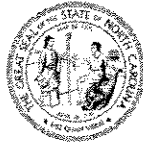
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State Highway Patrol

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Raleigh, NC 27699-4702

Administrative Services

15 May 2009

MEMORANDUM

TO: MAJOR G. D. HAYES

FROM: MAJOR M. W. GILCHRIST (EMAIL)

RE: ADMINISTRATIVE DUTY - CAPTAIN J. A. MELVIN
(REGISTRY NO. 2168 POSITION NO. 60085173)

Effective Monday, 18 May 2009, Captain J. A. Melvin, Technical Services Unit, Raleigh, will be placed on Administrative Duty at the Technical Services Unit in Raleigh.

Captain Melvin should report to you at the Technical Services Unit in Raleigh at 8:00 a.m. on Monday, 18 May 2009 for briefing and assignment.

MWG

cc: Secretary Reuben F. Young
Commanders Office
Lieutenant Colonel W. R. Glover
Major W. R. Scott



Law Enforcement Oath of Honor

On my honor, I will never betray my badge, my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution, my community, and the agency I serve.