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Investigator shreds notes in Bredesen aide's demotion

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Week after governor urged openness, harassment case details being kept secret

By BRAD SCHRADE

Staff Writer

A state investigator shredded the only notes of an investigation into workplace misconduct by a senior aide of Gov. Phil Bredesen just a day after the governor signed ethics legislation and said it would allow state business to be "conducted in the bright light of day."

Kae Carpenter, the chief investigator in the case, told The Tennessean yesterday that she took a half-page of notes during her interview with a person who said they were harassed by the governor's top lobbyist, Robert "Mack" Cooper.

Carpenter, who is also an assistant commissioner and general counsel with the state Department of Personnel, said she later shredded the notes. She acknowledged being aware that such notes could be later sought under the state's public records laws. The only other written record from the investigation appears to be a three-paragraph letter from the governor to Cooper. The letter gives no details about what happened.

Asked about the shredding, Bredesen yesterday said he didn't know notes were ever taken. He again declined to offer other details about the allegations against Cooper, whom he demoted on Monday for "workplace harassment."

Cooper, 46, did not return a message left on his phone yesterday seeking comment.

Carpenter said she took no notes in her interviews with Cooper and the other four witnesses in the investigation, and there was no final memo or report generated to explain the investigation's findings, she said. Investigators were keenly aware that any notes or documents they took in the course of the investigation could be sought later under the state's public records laws, she said.

"Once I had used the notes to make sure that I had asked the proper questions, I destroyed the notes," Carpenter said. "The notes that I took were exact statements by the person allegedly subject to the (incident) as to the events. That is one thing that one wants to get right when you go to the next person, the accused."

She said she rarely, if ever, takes notes when conducting such investigations. And the destruction of the limited notes she took is in line with state policies and procedures. The goal of the state's harassment policy is to ensure that victims or witnesses can come forward without fear.

"You may think that because I don't have notes, that is an attempt to hide something greater. But that is wrong," Carpenter said. "It is aimed toward that one goal of trying for the state of Tennessee to create that atmosphere."

When asked yesterday about the document destruction, Bredesen said: "They didn't take notes. They as a matter of policy don't take notes in their interviews. But they certainly didn't destroy any that I'm aware of."

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When told by a reporter that notes were taken and destroyed, Bredeesen said, in part:

"What I was told was that when they conducted the interviews with various people they did not take notes, in part, because of the sensitivity of the information and the desire to not have a public record about who was involved on the either side of these kinds of transactions."

Bredeesen said the goal is to protect witnesses and victims.

The director of the legislature's administrative offices yesterday would not allow a reporter to review any workplace harassment complaints on file in her office to see whether any pertain to Cooper. Connie Frederick, the director, would not say whether any had been filed, citing the legislature's own policy ensuring confidentiality of those records.

The scandal around Cooper comes near the end of a legislative session that has been overshadowed by ethical allegations against state Sen. John Ford, a Memphis Democrat.

Bredeesen signed into law on May 4 what was dubbed publicly as a sweeping ethics reform bill that called for a ban on paid lobbying for legislators and top executive branch officials. It also required more disclosure of the income and business dealings of legislators.

In his remarks that day, Bredeesen said:

"The people all of us represent, the citizens of Tennessee, deserve to know their elected representatives are serving the public interest in their name and not serving some private agenda. They deserve to know whether any conflict of interests exists and they deserve a government that in turn deserves their trust. It's a philosophy I've tried to live with throughout my time in public life."

Just hours later, that evening, the governor's office called in Carpenter's agency to open the investigation into the allegations around Cooper. The next day, a Thursday, Carpenter said she interviewed the person who was allegedly harassed and proceeded to interview the other witnesses. The investigation was wrapped up by early afternoon the next day, last Friday.

Carpenter said the findings were transmitted orally to the governor's office and no written report was filed. By Monday afternoon, the governor was announcing publicly that he had kicked Cooper off his staff, saying, "I take this violation very seriously. I will not tolerate any form of harassment." o

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