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## Ordered to avoid THP, Cooley didn't

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Wife kept deputy governor in touch; he remained a channel for promotion requests [CORRECTION APPENDED]

By BRAD SCHRADE

Staff Writer

Deputy Gov. Dave Cooley stayed involved in politics and promotions at the Tennessee Highway Patrol even after Gov. Phil Bredesen told him to stay out, according to new records obtained by The Tennessean.

Bredesen ordered Cooley in late 2004 to stay out of THP affairs after a scandal in which a THP lieutenant fixed a Cooley speeding ticket. As much as a year later, records show, Cooley was still accepting and forwarding recommendations for the politically connected to be promoted or hired -- and they were.

Even this past December, after Bredesen condemned a pattern of cronyism at THP and forced out its top three officials, Cooley continued to involve himself. He contacted Gerald Nicely, interim commissioner at the THP's parent agency, the Safety Department. Cooley offered advice and sought a personal e-mail address to contact Nicely -- a back channel that would fly under the radar of public-record laws.

The new records show:

- o Before he was asked to step away by the governor, Cooley was more deeply involved than previously known in a system of trading THP jobs and promotions for political favors. One trooper was hired after a Democrat recommended him to Cooley as "a good boy from a good D-family."

- o Cooley was kept informed on a wide range of THP issues by his wife, Melanie Cooley, who for almost two years was executive assistant to Safety Commissioner Fred Phillips. In one e-mail, she told him of a politically connected trooper who "appears to want something different every other week."

- o Cooley passed along recommendations even after Bredesen asked him to stay out of THP business, including a trooper who was recommended for promotion after a \$5,000 contributor to Bredesen wrote to Cooley.

Phillips and two other top agency officials lost their jobs in December after the governor said the agency had a host of troopers with criminal backgrounds and an atmosphere that protected its own.

The governor's remarks followed articles in The Tennessean that showed, among other things, that two-thirds of troopers promoted or proposed for promotion contributed to the governor's campaign or had relatives or benefactors who did. Most THP jobs are subject to a civil service system that expressly prohibits promotions based on politics.

But the records show that Phillips was by no means the last word on THP decisions: Cooley was deeply involved in shaping the culture there. Even Phillips, shortly before his ouster, said he sometimes felt left out of the loop on THP affairs by Dave Cooley and THP Commander Lynn Pitts, who were closely allied.

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Bredesen, who has defended the deputy governor's role in the THP's promotions, said last week he believes Cooley has honored his order to stay out of the Highway Patrol's business. The governor said he did not think his deputy's Dec. 12 e-mail to Nicely was a big deal.

"Dave is the deputy governor," Bredesen said. "If he wanted to talk to the incoming person, who he's had a long relationship with, about any thoughts he had about where he ought to look or something, that does not feel to me like interfering in the Highway Patrol.

"What I told him to do is, 'Don't be calling up people and talking about promotions. Don't be calling people up and talking about internal mechanics of the thing. I think it's best if you just sort of stay out of there.' "

Private e-mail

Three days after Nicely, the state transportation commissioner, was tapped by the governor to take over the scandal-plagued Safety Department, state records show that Cooley's e-mail to Nicely laments the "the mess" Nicely was "walking into," and says he needs Nicely's personal e-mail address.

Nicely, who was assigned the task of cleaning up the THP after the departure of its three top leaders, wrote back and supplied Cooley with a personal e-mail address, records show.

The exchange via the two officials' state e-mail accounts was among bundles of documents made public by the governor's office in recent weeks after requests by the newspaper under the state's public-records law.

One of the governor's closest political advisers, Cooley is not an elected official but functions as the governor's chief of staff. He did not return phone calls left with his assistant last week seeking an interview.

His wife, Melanie Cooley, who now works for another state agency, answered her work phone on Thursday and told a reporter she couldn't talk because she had people in her office. She did not call back.

Despite Dave Cooley's overture to him, Nicely said in an interview last week that he never received any communications from the deputy governor at his home e-mail account.

He said he does not speak to Cooley about the business of the THP and that the deputy governor has no influence over the patrol or the Safety Department.

"Absolutely not," the commissioner said. "As you know, the governor basically took him out of any involvement with Safety two years ago. Outside of the one e-mail you referenced, that's the only communication I've had on the subject."

Nicely was called in to lead the Safety Department on Dec. 9 after the departure of Commissioner Fred Phillips, his deputy Tom Moore and Col. Pitts.

On Dec. 12, the deputy governor forwarded to Nicely an e-mail he'd received from former Knoxville Mayor Victor Ashe, in which Ashe said the Safety Department had long been a "cesspool of patronage."

Along with Ashe's note, Dave Cooley said, "Jerry, I'm just opening this after spending the weekend thinking about the mess you are walking into. Victor is right. ... I suspect we should clean it up.

"I need a private e-mail address for you. Please let me know. dc."

'We have already helped this guy'

The records recently made public by the state show Cooley was active at the agency Ashe criticized as a "cesspool."

E-mails, internal documents and phone logs show that Melanie Cooley wielded her own measure of influence at the patrol, and she kept her husband well informed. She also talked regularly with Pitts, according to phone logs, and an e-mail shows on at least one occasion she spoke with Pitts about political favors.

A Sept. 29 e-mail she sent to her husband mentions a trio of troopers in East Tennessee.

"I talked with Colonel Pitts, William (Bill) Garrett is the best candidate to help," Melanie Cooley wrote. "He is African American and a good trooper. He is #3 on the Sergeant's register."

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The e-mail doesn't say how Garrett was to be "helped." "Registers" are internal rankings of THP personnel that are to be used in deciding which troopers to promote.

Other state records previously obtained by The Tennessean show that Garrett had references from three politicians: state Rep. Joe Armstrong, state Sen. Raymond Finney, and former state Sen. Anna Belle Clement O'Brien.

The same e-mail then identifies a second trooper, Jeff Hood, whom Melanie Cooley said "appears to want something different every other week. He was just moved from Knox to Sevier County at his request. Pitts thinks we have already helped this guy."

The name "Trooper Jeffrey E. Hood" appears on an August 2005 list of THP personnel but was not listed in the state's online employee directory yesterday. Campaign finance records show a \$250 donation to the governor by a Lonnie Hood of Seymour, Tenn., who had the same address as a Jeffrey E. Hood. Trooper Hood also had a reference from one politician, state Rep. Joe McCord.

The e-mail also kept the deputy governor informed about a potential disciplinary issue in the patrol. She said a third trooper, William "Jake" Lay, had recently gone to a stock car race in Bristol with other troopers without first getting the trip "blessed" by their bosses. Lay also asked to be reimbursed for certain expenses at a rate higher than the state allowed, she said.

Lay would be "getting one h... of an a...-chewing," Melanie Cooley wrote.

Despite that, Lay was promoted to lieutenant less than two months after the e-mail was written, state records show.

The same e-mail has a first line that says its contents are "per" Clayton Christenberry. Records show a Clayton Christenberry Jr. of Knoxville donated \$1,500 to Bredesen's 2002 campaign.

Phone message logs also show she talked regularly with THP captains around the state, all of whom are political appointees. One e-mail showed the Knoxville captain, Charles Laxton, forwarded political information -- including a reminder about sending a sympathy note to a Bredesen contributor -- to the deputy governor via Melanie Cooley.

Laxton was promoted from sergeant to captain, skipping the rank of lieutenant, after he and his wife gave \$3,700 to Bredesen.

Melanie Cooley was no stranger to the THP's culture when she was one of the first people appointed by the Bredesen administration to work in the Safety Department.

Her father, Jerry Kemp, is a retired THP official. Her brother, Chris Kemp, was a Metro officer when he was hired by the THP about six months after Bredesen took office in 2003; he works in the patrol's plainclothes Criminal Investigations Division, which sometimes overlaps with its Internal Affairs unit.

In another exchange, Dave Cooley directed his assistant Jeannie Vogel to send a complaint over to Melanie Cooley for a "possible internal affairs issue," according to a memo from his desk.

'A good D-family'

State records show that the deputy governor received dozens of letters from people across the state wanting to recommend troopers and trooper-candidates for hire or promotion.

Larry and Teresa Wilhite of Winchester, Tenn., wrote one such letter, on behalf of Sgt. Danny Hall.

Their letter to Dave Cooley, dated May 15, 2003, said they had just learned Hall was eligible to advance to lieutenant. "We were also told that you personally would be one of the individuals who should be contacted concerning this action," the letter said. Hall was promoted in October that year.

Warren B. Miller, chairman of the Wayne County Democratic Party, sent Cooley a copy of a letter he sent to the safety commissioner, putting in a good word for two local policemen in his area who wanted to become troopers. Both men, Carl Nutt and Joshua Culp, were accepted into a subsequent trooper cadet class and are now troopers, state records show.

Some of the letters mentioned political affiliation as a reason candidates should be hired or promoted.

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Columbia lawyer Bobby Sands wrote a letter to the commissioner, endorsing Calvin Jenks as possible trooper cadet. Sands sent Cooley a copy of the letter, bearing this handwritten note: "DAVE -- This is a good boy from a good D-family. Appreciate anything which can be done." Jenks was hired.

State Sen. Don McLeary of Humboldt -- who recently switched from the Democratic Party to become a Republican -- e-mailed Cooley in February 2003 to express concern that Trooper Marty Pollock in his district had been passed over promotion for a third time, despite having been ranked at the top of his testing group.

"He worked hard in my campaign as well as Governor Bredesens," McLeary wrote. "Can we help him?"

Pollock gave \$1,000 to the governor's 2002 campaign.

The deputy governor faxed a printed version of the senator's e-mail to his wife at the Safety Department. "Please see attached," the fax cover letter read. "No action -- let's talk at some point."

Nine months later, Pollock was promoted to sergeant.

Some of the letters to the deputy governor were sent after he had been told to stay away from the THP, but he forwarded them anyhow, according to records. One such letter was from a major Bredesen contributor, Charles Lee of Madisonville, who gave the governor's 2002 campaign \$5,000, campaign finance records show. Lee wrote Cooley on July 29, 2005, asking that Trooper Larry Lowell Russell be advanced to sergeant.

Five days later, Cooley forwarded the request on to Phillips, the Safety commissioner.

In August, Russell's name appeared on a "proposed promotion" list circulated among state government officials, which The Tennessean obtained.

Cooley's perceived influence was so strong that when a THP captain wanted to get his fiancée's niece hired as a trooper, the captain wrote a letter to the deputy governor asking for his help.

The woman was hired in January 2004, even though state investigators heard conflicting stories during her background check about allegations she may have stolen from a convenience store where she had previously worked, records show.

The captain, Larry W. Rucker, who was then head of the patrol's Internal Affairs unit, wrote to Dave Cooley on Sept. 23, 2003, telling him any "consideration you can give to her would be greatly appreciated." Rucker and his fiancée gave \$6,300 to the campaign, and Rucker has since been promoted twice by the Bredesen administration.

The niece, Tammy Dayton of Unicoi County, listed two references on the employment application later faxed to the deputy governor: Rucker himself and Rucker's friend, Dave Hensley, a major Eaststate fundraiser for Bredesen.

Hensley landed a \$75,000-a-year state management job after the election. He was later accused of sexual harassment, and the deputy governor personally intervened to get him a \$50,000-a-year job in another state agency.

Dayton was fired from the patrol last fall after a random drug test came back positive for amphetamines, according to state records.

She is appealing her firing and has argued to state officials that she was being treated for narcolepsy, a medical condition that causes people to fall asleep uncontrollably.

Rucker, now the lieutenant colonel, is acting commander of the Highway Patrol. o

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MAKE YOUR VOICE HEARD

o Gerald Nicely, interim commissioner, Tennessee Department of Safety

o Lt. Col. Larry W. Rucker, acting commander,

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GRAPHIC; PHOTO, CREDIT: JOHN PARTIPILO / FILE: Deputy Gov. Dave Cooley, right, watches as his boss, Gov. Phil Bredesen, announces to the media on Dec. 9 that the top two officials at the state Department of Safety stepped down that day amid THP scandals. --- PHOTO, CREDIT: JAE S. LEE / FILE: Interim Safety Commissioner Gerald Nicely

Correction:

The mother of Tennessee Highway Patrol Trooper Tammy Dayton was being treated for narcolepsy when the trooper's random drug screen returned a positive result for amphetamines. A Page One story Sunday incorrectly stated that the trooper herself was suffering from narcolepsy.

The Tennessean regrets the error.

THIS CORRECTION RAN ON FEBRUARY 28, 2006 ON PAGE 2A.

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