

TODD WORMTONGUE

The Branchflower report was clear: Sarah Palin abused her power, in violation of Alaska's ethics law.

But the Branchflower report was equally clear: since Todd Palin is not a state executive branch employee, Stephen Branchflower had no jurisdiction to consider the appropriateness of Todd's role in the firing of Walt Monegan.

The terms of my contract with the Legislative Council establish the framework within which I have been required to conduct my investigation and make my findings. Specifically, the "Statement of Work" provision required me to " ...investigate the circumstances and events surrounding the termination of former Public Safety Commissioner Walt Monegan and potential abuses of power and/or improper actions by members of the executive branch." **Todd Palin is not an employee of the executive branch**, so his conduct is not a violation of AS 39.52.010 – 39.52.965. **Given the terms of the contract, I make no finding as to Mr. Palin's conduct.** [my emphasis]

Nevertheless, Branchflower provides evidence of several aspects of Todd Palin's wrongdoing, without necessarily pursuing that evidence to a conclusion. Branchflower provides at least some evidence in his report that Todd Palin:

- Lied in the sworn affidavit he submitted to Branchflower
- Got access to Mike Wooten's personnel file and/or the results of the Grimes investigation
- Attended confidential cabinet meetings

- Stalked Mike Wooten
- Made the final decision to fire Walt Monegan

Did Todd Palin lie in his affidavit?

Most obviously, Branchflower provides evidence that makes it clear that the claim Todd made in his sworn affidavit—that he didn't know the outcome of the investigation into Wooten's behavior—is a lie. In the meeting between Todd and Walt Monegan in early January 2007, for example, Todd made it clear he knew the results of the investigation.

MR. BRANCHFLOWER: And did he tell you what the outcome of that investigation was, and specifically whether or not he was satisfied with it?

MR. MONEGAN: He told me that he just got a few days off, and he didn't think that was enough. And this guy shouldn't be a trooper.

[snip]

MR. BRANCHFLOWER: Did he characterize the discipline that had been imposed on Trooper Wooten?

MR. MONEGAN: He didn't think it was enough. It was more of a slap on the hand or slap on the wrist.

There are abundant examples—citing multiple witnesses—that show that Todd knew the results of the Grimes investigation; but he claims he didn't know the results.

Did Todd get access to Mike Wooten's personnel file?

Branchflower also suggests that Todd may have gotten materials from Wooten's personnel file. First, he shows that Todd was trying to **get** Wooten's file.

Former Chief of Staff Mike Tibbles [per

AAG Mike Barnhill's interview notes:
Todd Palin spoke to Tibbles about Wooten
"usually a topic in their discussions,"
spoke "10-20 x," "T. Palin asked for
Wooten's file," "wanted Grimes report,"
"refused to give it him" [my emphasis]

And then he describes a document that appears to
have related to the Grimes report.

MR. BRANCHFLOWER: Okay. So the one stack
that had the Department of Public Safety
logo on it, could you tell what kind of
documents they were?

MR. MONEGAN: That one appeared to be
correspondence. It was -it looked like a
letter that was sent, and presumably
from the Alaska State Troopers. And it
was text written - I think the date was
somewhere in '05 or '06, I believe. I
don't remember looking at the date. But
it was older; I know that.

MR. MONEGAN: And the - but what I was
reading - what it appeared to be was the
correspondence regarding a complaint
that he and the governor who - had made
prior to the governor becoming the
governor in regards to a Trooper Mike
Wooten and - who happened to be the
former brother-in-law of the Palins.
Apparently he had divorced one of the
governor's sisters.

And while I'm trying to scan this, my
impression of the letter, that it was -
that they were - they - the author,
which I believe was Colonel Grimes, was
trying to explain to them that they
investigated the complaint, and they had
sustained some of the issues that the
complaint was involving, and that - but
not all of them.

The issue, here, is whether Grimes wrote the
letter to the Palins, or whether this was a

letter Grimes sent internally, which would likely have been confidential. The State Troopers have no record that it was sent to the Palins.

On September 20, 2008, following Mr. Monegan's deposition on September 10, I sent former Colonel Grimes an email where I asked, "I have a quick follow-up question to your testimony. Did you ever write any correspondence [or memos, emails, etc.] to either Todd or Sarah Palin about the Wooten Administrative Investigation, re the status of the investigation, findings, etc.?" Ms. Grimes responded on September 24, 2008 and said, "I have no specific recollection of writing any correspondence to Sarah or Todd Palin about the Wooten AI. Any document of that nature would have been copied, filed and ultimately archived within the AST Director's Office. Current AST staff has not located any correspondence from me to the Palin's in any Director's Office files or any files that I reviewed to refresh my recollection of events prior to my sworn statement to you."

Also note, Todd followed up with Walt Monegan and asked for this file back. And when Rodney Dial asked Frank Bailey how he got some of the information on Wooten, Bailey gave an excuse that doesn't really make sense (my transcription, started after 10:30).

I'm a little bit reluctant to say, but over in Admin is where, we hold workers comp right in there and the situation where he declared workers comp and the was caught on an eight mile snow machine trip days ... that sort of came to us there so we collected statements and forwarded that to the workers comp from that point.

That is, Bailey doesn't have an explanation for how he got hold of information from Wooten's file.

One more thing suggests the Governor's office inappropriately got Wooten's files (and shared that information with Todd): Branchflower's otherwise unexplained recommendation that the legislature make it harder for agencies to simply access employees medical files:

The legislature should consider amending AS 23.30.107(b)(1) to require that a "governmental agency" that seeks to acquire medical or rehabilitation records of an employee first establish a reasonable relationship between the request for the records and the purpose for obtaining the records.

The explanation for this recommendation must be in the classified section of the report—but it sure suggests that someone got Wooten's files.

Incidentally, this area will certainly be investigated further, as it goes right to the heart of the union suit that the Palin administration inappropriately used Wooten's personnel file.

Did Todd attend confidential cabinet meetings?

Along with getting personnel information on Wooten, Todd appears to have attended cabinet meetings, as attested to by several of the witnesses Branchflower interviewed. As Monegan explained, those were confidential meetings at which personnel issues occasionally came up.

MR. BRANCHFLOWER: You talk about personnel issues?

MR. MONEGAN: Sometimes.

MR. BRANCHFLOWER: These are all confidential matters; is that correct?

MR. MONEGAN: Dh-huh.

MR. BRANCHFLOWER: I'm sorry?

MR. MONEGAN: Yes.

Was Todd Palin stalking Mike Wooten?

Of course Todd Palin was stalking Wooten! How else would he have gotten that picture of Wooten on a snowmobile (note—Todd told Monegan that Wooten was riding the snowmobile 100 miles outside of Wasilla, whereas in Bailey's retelling to Dial, it became an eight mile trip) while he was out on workers comp?!?!)

But there's an interesting detail in Branchflower's report that suggests Todd was stalking Wooten personally—while trying to hide his tracks. When Frank Bailey came to the Troopers with the description of Wooten dropping his kids off at school in a patrol car, Bailey passed on Todd's claim that the policeman assigned to the school had spotted Wooten.

MR. GLASS: Yeah (affirmative), and I, again, told Frank that I would look into it, and Frank told me that Officer Dave Eller (sp), who was the School Resource Officer at Wasilla High School, had witnessed that and that Dave, Officer Eller, would have some further information on it as to when it occurred.

MR. BRANCHFLOWER: Let me see if I understand this. You told Frank Bailey that you would look into it because you didn't have any knowledge about it; is that correct?

MR. GLASS: That's correct.

MR. BRANCHFLOWER: But, his response was to give you the information that he already had?

MR. GLASS: **He told me that Todd had told him that he had – that Dave Eller had witnessed it.** So, I told him that I would go talk to Dave Eller.

But when Deputy Public Safety Commission John Glass checked with that officer, he learned that Todd told the officer—and not vice versa—that Wooten dropped off his kids at the school.

MR. GLASS: I called Dave at work – or at home and asked him if he would meet me on Monday morning at the Wasilla Police Department because he goes to work fairly earlier because of his school duties over at the school, and he said that he would.

MR. BRANCHFLOWER: Then, what happened?

MR. GLASS: He called me back later that day because I did not tell him what I needed to talk to him about, and he says, oh, let me guess what this might be about. It's about **Todd Palin calling me and telling me that Wooten was driving his patrol car into the school with kids in it.**

MR. BRANCHFLOWER: So, he reported to you that Todd Palin had earlier called him?

MR. GLASS: Yes. [my emphasis]

Todd tried to suggest that Dave Eller had seen Wooten with the kids at school—but in fact, Todd told Eller he was there with the kids.

Did Todd make the final decision to fire Walt Monegan?

Finally, Branchflower provides evidence to suggest that Todd—rather than Sarah—made the final decision to fire Walt Monegan. When Monegan's (brief) replacement Chuck Kopp testified about why Frank Bailey said the governor wanted to "make a change" in Public Safety, Kopp's first explanation was that "Todd is really upset with Monegan."

MR. KOPP: Yes. In June 2008, I didn't speak to Frank Bailey about employment, but I did speak to Frank Bailey. He called me. I believe I was at work. And

he – he did state that – he commented to me that the governor's office would like to make a change at some point in the future of the leadership in the Department of Public Safety. He did comment that – his statement to me is that Todd is really upset with Monegan.

[snip]

MR. BRANCHFLOWER: And when you say that he told you Todd is really upset with Monegan, is that – are you putting that in a quote mark, or is that just a summary of –

MR. KOPP: That is exactly what he told me.

MR. BRANCHFLOWER: Todd – quote, "Todd is really upset with Monegan," close quote?

MR. KOPP: Yes.

As Kagro X wrote in a related post, Stephen Branchflower presented a good deal of evidence in his report that Todd served as an official "First Stalker," Sarah's official spy both in and outside of government. Branchflower makes it clear he hasn't assessed whether any of that official stalking breaks the law—he couldn't. It wasn't part of his mandate. Yet aside from the evidence that Todd got a hold of Wooten's personnel file—which will be reviewed because of the union suit—none of this will necessarily be weighed as to whether it was legal and appropriate.

Sort of makes you wonder whether Alaska allows its governors to make their family members their own personal spies, doesn't it?