

Via Hand Delivery

*Office of the Governor
State of North Carolina*

*Roy Cooper
Governor*



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Raleigh, N.C. 27699-0301*

January 17, 2019

The Honorable Harry Brown
North Carolina State Senate
Legislative Office Building, Room 300-B
Raleigh, North Carolina 27603-5925

The Honorable Dean Arp
North Carolina House of Representatives
Legislative Office Building, Room 307-A
Raleigh, North Carolina 27603-5925

Dear Senator Brown & Representative Arp:

I write to inform you that self-identified investigators purporting to act at your direction have attempted to interrogate career staff at the Department of Environmental Quality (DEQ). DEQ's legal counsel has expressed concern on behalf of these employees and has asked our office for guidance.

As you are aware, DEQ and this administration have produced tens of thousands of documents in response to public records requests on December 20, 2018. Those documents, which include emails, memos, text messages, legal filings, news articles, handwritten notes and other information offer a thorough record of the Administration's work.

In addition, staff members from DEQ and the administration routinely appear before your committees, answer your questions, research issues you present and are generally available when you need them. Regarding the issues surrounding the Atlantic Coast Pipeline, in addition to the massive and comprehensive production of documents, DEQ staff has provided hours of testimony and the Governor's staff has attended committee meetings, ready to answer your questions. Both DEQ and the Governor's Office have provided responses to the wide range of written questions you have sent. Professional staff from DEQ and other agencies have presented exhaustive information on the ACP, its permits and multiple other topics as they routinely do. We remain ready to respond.

However, we have directed cabinet level agencies to respectfully decline these outside investigators' requests for interviews. There are no protections for state employees from inappropriate questions and no rules preventing these private contractors from using underhanded or even illegal methods to interrogate.

For example, during civil legal proceedings employees are protected by the Rules of Civil Procedure which authorize what kinds of questions can be asked.

Similarly, no rules govern who is interviewed, or where, or whether the employee is subjected to oppressive interrogation. Should employees expect lie detector tests? A credit history check? A search of their personal emails, social media and texts? Questions about their personal lives or those of their co-workers?

It would be irresponsible and wrong to direct state employees to be subjected to this extraordinary open ended political fishing expedition conducted by Republican former federal investigators. In addition to wasting taxpayer money and state employees' time, it would divert them from their work.

We have answered your questions and have provided the information you requested. If you still have questions after reviewing our voluminous production of documents and the answers we have provided to your questions, let us know. Members of our administration can provide additional information through the open committee process so the legislature can fulfill its oversight role.

This oversight role, however, is one that cannot be outsourced, nor is it one that includes the ability to conduct a "civil investigation" as you have deemed this private firm's directive. Civil investigations are a duty of the executive branch.

The granting of permits to allow construction of the Atlantic Coast Pipeline was a rigorous and fact-based process handled by state environmental regulators. The establishment of the ACP Mitigation fund was to provide jobs, environmental mitigation and renewable energy to offset the impact of the pipeline in eastern North Carolina.

We still want this session to be one of bipartisan negotiation and cooperation. Issues including hurricane recovery, education, health care and rural economic development need our attention.

If you have additional questions, please contact me. Thank you.

Sincerely,



Kristi Jones
Chief of Staff

cc: The Honorable Phil Berger
The Honorable Tim Moore
The Honorable Ben Clark
The Honorable Kathy Harrington
The Honorable Joyce Krawiec
The Honorable Floyd McKissick
The Honorable Paul Newton
The Honorable Becky Carney
The Honorable Ken Goodman
The Honorable Jon Hardister
The Honorable Pat McElraft
The Honorable John Torbett