



North Carolina General Assembly
State Legislative Building
Raleigh, North Carolina 27601

January 23, 2019

VIA HAND DELIVERY

Governor Roy Cooper
116 West Jones Street
Raleigh, NC 27603-8001

Dear Governor Cooper:

We write in response to the January 17, 2019 letter sent by Ms. Kristi Jones, your Chief of Staff, on your behalf, in which you announced that you have directed cabinet-level agencies not to cooperate with the oversight investigation initiated by the North Carolina General Assembly's Subcommittee on the Atlantic Coast Pipeline.

For nearly a year, you complained that this oversight investigation was too political. To remove any appearance of political motivations, we hired independent investigators to get to the truth. Senator Floyd McKissick even participated in every interview, and he agreed that Eagle Intel Services, LLC was the best option.

But now you are complaining that the oversight investigation is too independent. You are trying to grind this investigation to a halt by prohibiting anybody in your administration from speaking about what happened.

We are deeply disappointed that you chose to impugn the character of career federal law enforcement officials as cover in your effort to shield the public from the truth of your administration's dealings. The letter Ms. Jones sent on your behalf expressed concern about "oppressive interrogation" techniques, "inappropriate questions" and "underhanded or even illegal methods to interrogate." These outrageous allegations are of course baseless. The gentlemen who work for our subcommittee have put their lives on the line to investigate terrorism, drug cartels, organized crime, and more. Former U.S. Attorney General Eric Holder presented one of the investigators with the Director's Award for his work into corruption in the Robeson County Sheriff's Office. Another was named FBI Special Agent of the Year in 2017. We are shocked that you would, in an effort to conceal information from the public, demean the professional reputation of career civil servants.

It took us nearly a year to get your administration to release documents related to the Atlantic Coast Pipeline (ACP). Now that we have those documents, substantial questions have arisen that

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require clarification from your office and state agencies. These facts appear to be true: Your business partner asked you to personally intervene with Duke Energy on a matter impacting his solar company profits that is unrelated to the ACP. You then met one-on-one with Duke Energy CEO Lynn Good and discussed your business partner's request and the ACP permit. Several weeks later, when your General Counsel informed you that he intended to sign a critical document related to the ACP, you asked, "Where are the solar boys on their deal?" The deal with the solar boys was not yet complete. The critical ACP agreement and the permit were delayed for weeks until the solar deal providing your business partner with increased profits was on more certain footing because of your intervention.

These events, among others documented in the thousands of pages you released after nearly a year of stonewalling, present serious concerns about the very foundation of your administration's operations.

The Subcommittee on the Atlantic Coast Pipeline, through the independent investigators hired to assist the Subcommittee in its oversight duties, will continue its oversight investigation by requesting interviews with folks inside and outside of government, including career civil servants in the N.C. Department of Environmental Quality (DEQ). These interviews are critical to getting to the truth. This is not a civil investigation; it is an oversight investigation.

You and your administration have repeatedly stressed that the ACP permitting process was open, transparent, and free from your influence. If that is true, then these interviews will be short and you should have no issue with career civil servants explaining the process that transpired. Counsel is of course welcome to join the interviews, including DEQ's counsel during interviews with DEQ employees.

We would like to avoid subjecting career civil servants to a room full of reporters and politicians when answering basic questions about their work. We also are mindful of your previous accusations that this oversight investigation is just a publicity stunt. That is why the independent investigators will offer interviewees a private location of their choosing in which to have a conversation. Again, counsel is more than welcome to join these interviews.

Lastly, we would like to correct Ms. Jones's mischaracterization of the investigators' communications with DEQ because we believe she has been misinformed. Between January 10, 2019 and January 18, 2019, the investigators made four phone calls to four staff members at DEQ attempting to schedule interviews. The staff informed the investigators that they were not permitted to speak unless DEQ's General Counsel, Bill Lane, approved the interview. The investigators tried five times to reach Bill Lane to discuss the particulars. Lane avoided their calls until he notified the investigators on January 18, 2019 that he has been instructed to not allow employees to be interviewed. We have attached the investigators' call log.

How this equates to potentially "underhanded or even illegal" interrogation methods, we have no idea.

Given your administration's repeated emphasis that nothing untoward transpired, we do not know why you would obstruct this investigation by forbidding state employees from speaking with the Subcommittee or its staff. The independent investigators will be in touch with prospective

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interviewees to schedule a conversation at a time and venue that is most convenient for the interviewee.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harry Brown".

Sen. Harry Brown

A handwritten signature in cursive script, appearing to read "Dean Arp".

Rep. Dean Arp

Enclosure