

MEMORANDUM

State of Alaska

TO: Colonel Julia Grimes
Director
Alaska State Troopers

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TELEPHONE NO: 451-6702

FROM: Sergeant Ronald Wall
Fairbanks ABADe Supervisor
Alaska State Troopers

SUBJECT: Memorandum of Findings

On 4/11/05, Chuck Heath telephoned Sergeant Waldron and advised that he had domestic violence protective order (DVPO) papers to serve on his son-in-law, Investigator Wooten. During a later conversation, Mr. Heath stated that although Investigator Wooten had not physically assaulted his daughter, he acted intimidating and in a conversation with someone else, Investigator Wooten threatened to shoot him if he hired an attorney for her and also threatened to, "bring her sister, Sarah Palin, down."

During the same period of time, Major Starbard received a phone call from Paul Page relating second hand information regarding Investigator Wooten. Mr. Page stated that Molly Wooten (Investigator Wooten's wife) and her father, Chuck Heath, had informed him that Investigator Wooten had threatened to shoot Chuck Heath. They further related to him that Investigator Wooten had been taking steroid supplements and had an ongoing alcohol problem. Mr. Page also related that another trooper had stopped Investigator Wooten when he was intoxicated and operating a vehicle. Mr. Page stated that Investigator Wooten also displayed his badge at the Mug Shot Saloon in order to have another patron removed. He also stated that Molly McCann told him Investigator Wooten has operated his vehicle while intoxicated and with open alcohol containers in the vehicle on several occasions.

Mr. Page further advised that Molly McCann related to him that Investigator Wooten had consumed alcohol at Adrian and Marilyn Lane's residence and then driven his patrol car home. The final complaint related to him by Molly McCann was that Investigator Wooten was taking an illegal testosterone supplement.

If substantiated, these allegations would be in violation of:

OPM 101.070 (A)	Unbecoming Conduct
OPM 101.070 (B)	Personal Conduct
OPM 101.070 (C)	Conformance to Laws
OPM 101.070 (F)(2)	Use of Alcohol
OPM 101.070 (I)(1)	Abuse of Position
OPM 101.030 (A)	Operation to be Prudent and Lawful
OPM 101.060 (F)	Failure to Perform Duties Properly, Use of Government Property

After the Administrative Investigation had been underway for some time, Chuck Heath contacted me to report that Investigator Wooten had used a Taser on Heath's grandson, Payton. Further, on August 10, 2005, Colonel Grimes received an email from Sarah Palin outlining a number of complaints that had already been lodged, as well as two new allegations that had to do with illegal hunting. The email provided names of several witnesses that were identified by a private investigator hired by Palin.

During the Administrative Investigation, interviews were conducted with Molly McCann (Inv. Wooten's wife), Payton McCann (Inv. Wooten's step-son), Sarah Palin (Molly McCann's sister), Bristol Palin (Sarah Palin's daughter), Charles Heath (Molly McCann's father), Paul Cossette (Inv. Wooten's friend), Paul Page (Wooten / McCann Neighbor), David Herrel (Alaska State Trooper), Adrian Lane (Heath's friend), Marilyn Lane (Heath's friend), Steven Menard (McCann's friend), Greg Goodale (landfill supervisor), Track Palin (Sarah Palin's son), Barry Lowe (landfill employee), and Chris Brightbill (bartender), as well as other employees of the Mug Shot Saloon. I also attended a Domestic Violence Restraining Order / Child Custody hearing in Anchorage.

As a result of the number of allegations, the individual issues and determinations will be evaluated separately.

Molly McCann, Sarah Palin and Track Palin allege that on February 17, 2005, Investigator Wooten made a comment to Molly McCann that he would shoot her father if he hired a lawyer for her. McCann advised that Investigator Wooten made this comment to her, and that Sarah and Track Palin who were listening over an open telephone line overheard it. Investigator Wooten was questioned about the comment and denied ever making the statement. Although McCann, Sarah Palin and Track Palin all recalled hearing the statement, a statement or implied threat to a non-present third party is not a crime. Although McCann and Sarah Palin felt that their father's life was in danger by the statement, neither mentioned the threat to their father for several weeks. Nevertheless, a statement of this sort by a trooper reflects badly on AST.

OPM 101.070 (A)	Unbecoming Conduct	Sustained
OPM 101.070 (B)	Personal Conduct	Sustained
OPM 101.070 (C)	Conformance to Laws	Not Sustained

Molly McCann alleged that Investigator Wooten was using illegal steroid and testosterone supplements. McCann based this on information that she received from Investigator Wooten. Investigator Wooten was questioned about the use of illegal steroids and testosterone. Investigator Wooten denied the use of either drug and provided a privately obtained drug test result showing a normal range for testosterone (attached). It is unknown if the test result that Investigator Wooten presented would show the entire range of illegal muscle building drugs.

OPM 101.070 (C)	Conformance to Laws	Not Sustained
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Molly McCann and her family allege that on March 26, 2005, Investigator Wooten became involved in an altercation at the Mug Shot Saloon in Wasilla. They further related that Investigator Wooten used his position as a trooper to have someone wrongfully removed from the bar, and that Investigator Wooten drove home intoxicated.

They further allege that Trooper Herrel, who contacted Investigator Wooten, was aware of a REDDI for the vehicle, did not arrest him for DUI and provided Investigator Wooten a ride home once he contacted him.

As a result of the complaint, Trooper Herrel was interviewed. Herrel advised that he had contacted Investigator Wooten that evening and that he didn't feel that Investigator Wooten was intoxicated or above the legal limit. An interview was conducted with the vehicle passenger who was identified as Paul Cossette (Cossette's brother is the registered owner). Cossette advised that he was intoxicated, however Investigator Wooten was not. Cossette stated that Investigator Wooten came to the bar to pick him up. The bartender at the Mug Shot Saloon, Chris Brightbill, was interviewed and advised that Investigator Wooten had intervened in a domestic dispute in the bar. Brightbill also stated that Investigator Wooten had consumed one beer during the hour he was at the bar. Brightbill provided conflicting statements as to Investigator Wooten's level of intoxication. Initially, Brightbill stated that Investigator Wooten was intoxicated. However, after specific questioning, he was unable to substantiate his claim and in fact stated that Investigator Wooten was not above the legal limit to operate a vehicle. He said that Alaska State Trooper Investigator Wooten exhibited no outward signs of intoxication. Legal counsel for Molly McCann had issued a subpoena to Trooper Herrel to testify at a DVPO / child visitation hearing. During that proceeding, which I attended, Trooper Herrel took the stand. Just as Herrel was preparing to testify, McCann's legal counsel stipulated that Investigator Wooten was not intoxicated when Trooper Herrel stopped him. The allegation that Investigator Wooten acted inappropriately at the bar by intervening to prevent a fight was apparently appropriate behavior by a commissioned member of the department.

OPM 101.070 (A)	Unbecoming Conduct	Unfounded
OPM 101.070 (B)	Personal Conduct	Unfounded
OPM 101.070 (C)	Conformance to Laws	Unfounded
OPM 101.070 (F)(2)	Use of Alcohol	Unfounded
OPM 101.070 (I)(1)	Abuse of Position	Unfounded

Molly McCann made specific allegations of physical abuse by Investigator Wooten. McCann advised that she was pushed down on two occasions, one of which was when she was holding their infant son, Heath. McCann stated that she was in fear of Investigator Wooten because of his size and the fact that he is often armed. Molly McCann could not recall if she was injured during these assaults and had difficulty relating specifics regarding any pain. These allegations were only brought to light following initiation of divorce proceedings and the custody battle between McCann and Investigator Wooten. It should also be noted that Sarah Palin stated that she listened to Investigator Wooten and McCann argue over an open telephone line with her son, Track, for Molly's safety. Track, however, states that they listened solely for the purpose of maybe hearing Investigator Wooten acknowledge that he was having extramarital affair. Molly McCann stated that she was afraid of Investigator Wooten during the argument and was ordered upstairs by Investigator Wooten. However, Paul Page, a neighbor who stood outside the Investigator Wooten house (with Sarah Palin), and watched through a window, stated that although they argued, things did not appear to get out of hand, and that McCann followed Investigator Wooten up the stairs. Investigator Wooten denied that he ever physically assaulted his wife. Paul Page is an

apparently disinterested third party with no clear ties to either party. Finally, during the DVPO hearing, the judge found that there was no basis for issuance of a long-term DVPO.

OPM 101.070 (A)	Unbecoming Conduct	Not Sustained
OPM 101.070 (B)	Personal Conduct	Not Sustained
OPM 101.070 (C)	Conformance to Laws	Not Sustained

Sarah Palin and Molly McCann both stated that Investigator Wooten made threats that he would "bring down" Sarah and her family. Sarah Palin had no first hand knowledge of the threats. Molly McCann stated that Investigator Wooten made this threat to her several times and that she understood him to mean that he could use his position as a trooper to make life difficult for Sarah. Investigator Wooten was questioned about the statement and denied making it. Todd Palin (Sarah Palin's husband) further related that he questioned Investigator Wooten about making the statement and Investigator Wooten had denied making the comment.

OPM 101.070 (A)	Unbecoming Conduct	Not Sustained
OPM 101.070 (B)	Personal Conduct	Not Sustained
OPM 101.070 (I)(1)	Abuse of Position	Not Sustained

Molly McCann alleged that Investigator Wooten was drinking while driving and driving while intoxicated on February 13, 2005. McCann advised that Investigator Wooten had driven her son, Payton to a WWE Wrestling event at the Sullivan arena. Payton McCann advised that Investigator Wooten put Crown Royal in a water bottle and brought it into the event. Payton, also stated that Investigator Wooten was drinking while driving. McCann advised that when Investigator Wooten returned to transport the family back to Wasilla, he was extremely intoxicated. Payton McCann advised that he couldn't tell if Investigator Wooten was intoxicated when they left the event and that Investigator Wooten drove "kind of normal," but slower than usual. There is no objective evidence that Investigator Wooten drove while under the influence or that he drove with an open container.

OPM 101.070 (A)	Unbecoming Conduct	Not Sustained
OPM 101.070 (B)	Personal Conduct	Not Sustained

Sarah Palin outlined in her email that Investigator Wooten had operated his personal vehicle while intoxicated on January 19, 2005, and on February 12, 2005. Palin was questioned about the events and found to have no first hand knowledge. Palin stated that she had received the information from her sister, Molly McCann. There is no corroborating evidence.

OPM 101.070 (A)	Unbecoming Conduct	Not Sustained
OPM 101.070 (B)	Personal Conduct	Not Sustained
OPM 101.070 (C)	Conformance to Laws	Not Sustained

Molly McCann reported that Investigator Wooten had attended barbecues at a friend's home, consumed beer, and then driven his marked patrol car home. Investigation led to

the interview of Marilyn and Adrian Lane who stated that they are long time friends of Chuck Heath's. The Lanes stated that Investigator Wooten came to their home wearing civilian attire in June or July of 2004. Both Adrian and Marilyn Lane agree that Investigator Wooten consumed a beer at the residence and then drove his marked patrol car home. Marilyn Lane stated that Investigator Wooten actually took a beer with him in his marked patrol car when he left. The Lanes advised that another person also witnessed the event, but they were unable to remember who the person was. The Lanes stated that they didn't report the incident to AST because they are good friends of Chuck Heath. It was further revealed during this investigation that Adrian Lane was a student of Chuck Heath's in Idaho when he was a child and they have been close friends ever since. Investigator Wooten stated that at no time did he drink alcohol and operate his patrol car nor did he do so with an open container.

OPM 101.070 (A)	Unbecoming Conduct	Not Sustained
OPM 101.070 (B)	Personal Conduct	Not Sustained
OPM 101.070 (C)	Conformance to Laws	Not Sustained
OPM 101.070 (F)(2)	Use of Alcohol	Not Sustained

During the course of this Administrative Investigation, I received another complaint that Investigator Wooten had used a Taser on his then 10-year-old stepson, Payton. Following interviews with Payton, as well as witnesses to the event, Investigator Wooten was re-interviewed. During the re-interview, Investigator Wooten acknowledged that he did, in fact, use a Taser on his stepson in a training capacity. As a Taser instructor, Investigator Wooten should be aware that the use of a Taser, even in short increments on a small child should be done in only extreme circumstances. It is further compounded by the fact that members of the public are aware of this event and that it reflects badly on AST.

OPM 101.070 (A)	Unbecoming Conduct	Sustained
OPM 101.070 (B)	Personal Conduct	Sustained
OPM 101.060 (F)	Failure to Perform Duties Property, Use of Government Property	Sustained

Molly McCann and Sarah Palin reported that Investigator Wooten improperly utilized his position as an Alaska State Trooper to get out of paying a \$5 fine for an unsecured load at the Solid Waste Disposal Site in Wasilla. Interviews with employee Barry Lowe and Lowe's supervisor, Greg Goodale, confirm that Investigator Wooten was upset over a \$5 fine for an unsecured load. Both further relate that Investigator Wooten disagreed with them charging him a \$5 fine and stated that Investigator Wooten felt that they were outside their statutory authority to fine him. As a state trooper, Investigator Wooten should have been aware that municipalities can levy fines or impose greater restrictions than those imposed by State law. Investigator Wooten did advise them that he was a state trooper but did not attempt to use his position to get out of the fine. Goodale and Lowe both stated that Investigator Wooten did not act inappropriately or use foul language during their contact with him. Investigator Wooten was questioned about the incident at the landfill and provided the same information. Investigator Wooten's conduct was not found to be outside his rights as a normal citizen or an employee of the department.

OPM 101.070 (A)	Unbecoming Conduct	Not Sustained
OPM 101.070 (B)	Personal Conduct	Not Sustained

Information from Sarah Palin's email stated that in September 2003, Investigator Wooten had illegally shot a cow moose. The information indicated that Molly McCann had been drawn for an antlerless moose permit and that Investigator Wooten shot the animal. As a result, Investigator Chris Watchus (Wasilia PD), Molly McCann, and Investigator Wooten were interviewed regarding the event. Watchus and McCann both advised that Investigator Wooten shot the animal while hunting in Watchus' boat. Investigator Wooten was interviewed regarding the event and acknowledged that he shot the moose and that the permit was in his wife, Molly's name. Investigator Wooten advised that he doesn't feel that it was inappropriate and that he still doesn't find that it is a violation of law. This investigator has found that the act of taking the moose was a violation of 5 AAC.85.045 (1Z) Antlerless Moose and AS 16.05.420 (C) Tags / Permit Requirements. It is hard to understand how Investigator Wooten, a member of the Wildlife Investigations Unit, would state that this shooting was legal.

OPM 101.070 (A)	Unbecoming Conduct	Sustained
OPM 101.070 (B)	Personal Conduct	Sustained
OPM 101.070 (C)	Conformance to Laws	Sustained

During the investigation it was also alleged that Investigator Wooten had illegally chased a wolf down with a snowmobile and killed the animal. Chuck Heath was interviewed and acknowledged that he witnessed the event. Heath advised that Investigator Wooten had been wolf hunting in an area off the Denali Highway with him. Heath stated that he shot a wolf and wounded it and the animal ran. Heath stated that Investigator Wooten pursued the animal with his snowmobile and shot it several times. Investigator Wooten acknowledged that he did chase the animal with his snowmobile and that he shot the animal. Investigator Wooten stated that he did not shoot the wolf while riding the snowmobile. After I spoke with Lieutenant Waldron, of the Wildlife Investigations Unit, I learned that the Butte Lake area, where Heath and Investigator Wooten were, is a predator control area and wolves may be legally shot from aircraft and motorized vehicles.

OPM 101.070 (A)	Unbecoming Conduct	Not Sustained
OPM 101.070 (B)	Personal Conduct	Not Sustained
OPM 101.070 (C)	Conformance to Laws	Not Sustained