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August 29, 2008

Stephen Branchflower, Esq.

VIA EMAIL [sebranchflower@gmail.com](mailto:sebranchflower@gmail.com)

Re: *In Re: Investigation Into The Termination of Walt Monegan*

Dear Mr. Branchflower:

We have been retained to represent the Governor and the Governor's Office relative to the Legislative Council's investigation into the termination of Mr. Monegan, the alleged Executive Branch Ethics violation, and the alleged Personnel Act violation.

We fully welcome a fair inquiry into these allegations, and believe that the Personnel Board is statutorily mandated to oversee these proceedings. We trust you have no objection to following state law in that regard and will work with us in adhering to state law and submitting these issues to the body properly vested with primary jurisdiction.

We have considerable information to review to get up to speed. The Attorney General is forwarding to us information it collected and already shared with you. It is my understanding that there is an informal agreement to share information the parties obtain through their own inquiries. Accordingly, I would appreciate a copy of all witness statements you have (if not transcribed, then we can copy the CD), all documentary evidence you have, any witness list you have, and a copy of the complaint or other charging document upon which you are basing your investigation. The obvious exception to this is I do not expect you to exchange your communications with Sen. French, as you no doubt would not expect, nor be entitled to, our communications that are protected by the attorney client privilege.

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Further, please know that we intend to cooperate with this investigation and will reciprocate the exchange of information consistent with our duty to ensure compliance with due process and within constitutional parameters. I would like to review our calendars to schedule depositions of witnesses (and, of course, we need to coordinate with those witnesses as well, particularly as hunting season is here). For those witnesses outside of the Governor's Office, but within the employ of the State, we will have to coordinate with Mr. Barnhill as well, as those State employees are entitled to representation. I will be representing members of the Office of the Governor at any deposition.

If you are in town, I think a sit down meeting with you would be beneficial so we can map out the logistics. In the meantime, I would ask that you have no *ex parte* contact with members of the Governor's Office, and we will not contact Sen. French. If you consider anyone to be your client in addition to Sen. French, please identify them for us so we do not inadvertently have *ex parte* contact as we perform our own due diligence.

We are looking forward to resolving this matter as expeditiously and fairly as possible.

Very truly yours,



Thomas V. Van Flein, for  
**Clapp, Peterson, Van Flein  
Tiemessen & Thorsness, LLC**

Cc: Sarah Palin, Governor  
Michael Nizich, Chief of Staff  
Kris Perry, Governor's Anchorage Office Director  
Michael Barnhill, Esq.  
John Tiemessen, Esq.  
Lisa Hamby, Esq.