



BOBBY JINDAL
GOVERNOR

STEPHEN B. STREET, JR.
STATE INSPECTOR GENERAL

State of Louisiana
Office of the Governor
Office of State Inspector General

February 17, 2011

**INSPECTOR GENERAL RELEASES REPORT ON
FORMER ATC COMMISSIONER**

*Painter illegally accessed criminal, motor vehicle records – obtained
restricted personal information of citizens more than 1,150 times*

FOR IMMEDIATE RELEASE

BATON ROUGE -- Today, the State Inspector General's Office issued a report detailing its investigation into the activities of Murphy Painter, former Commissioner of the Louisiana Office of Alcohol and Tobacco Control (ATC).

The Inspector General received credible information that Murphy Painter illegally accessed Federal Bureau of Investigation (FBI) criminal records, State of Louisiana criminal records and Louisiana Office of Motor Vehicles records for no known public purpose. Mr. Painter illegally accessed information about private citizens as well as persons employed at all levels of state government and, in some cases, their family members. Mr. Painter conducted inquiries on a state representative, state district judges, staff members of the Louisiana Legislature and Governor's Office, and the wife of a United States Senator. The investigation determined that most of the citizens about whom Mr. Painter obtained personal information were females. It was also found that even though Mr. Painter's office has statewide jurisdiction,

his searches were disproportionately concentrated in the greater Baton Rouge, New Orleans, and Gonzales areas.

Mr. Painter improperly used an electronic system called Voyager to access the Louisiana Law Enforcement Telecommunications System (LLETS). LLETS provides authorized users access to Louisiana Office of Motor Vehicles records, the Louisiana Computerized Criminal History System, National Crime Information Center (NCIC) and Interstate Identification Index records.

The investigation determined that Mr. Painter's abuse of LLETS via the Voyager system spanned the period of February 25, 2005 through August 13, 2010 and includes more than 1,150 inquiries to obtain restricted information about citizens who do not hold ATC vendor permits and do not appear in the ATC database. Mr. Painter performed 314 full NCIC searches, with 146 of those searches done to access information about individuals to whom ATC has not issued permits and who are not regulated by ATC.

Mr. Painter continued this activity even though the Louisiana State Police twice admonished ATC for the improper use of the system after audits, most recently in 2008. Mr. Painter formally responded to both audits with plans to correct the problems but remained defiant, telling his staff, "F**k the State Police. We have not been audited for eight years. I'll be gone from here [ATC] before they [State Police] ever come back again."

We contacted some of the persons whose restricted information Mr. Painter accessed but who are not listed in the ATC computer systems as ATC permit holders. The individuals who granted permission for their names to be used in the OIG report include Keitha Nelson, reporter for WAFB television news in Baton Rouge, former LSU quarterback Tommy Hodson, and Wendy Vitter, the wife of United States Senator David Vitter.

The investigation further determined that Mr. Painter improperly used his access to State of Louisiana and FBI databases to obtain personal information about Kelli Suire (a former ATC

employee who filed a sexual harassment complaint against Mr. Painter) and her family members. Mr. Painter also accessed these databases to obtain personal information about Jill Craft, an attorney who has represented clients in past lawsuits against Mr. Painter and ATC and who currently represents Ms. Suire. The search of Ms. Craft's information was followed by Mr. Painter obtaining a map to her home. This map, along with a printout of personal information about Ms. Craft, was found in Mr. Painter's office during the execution of a duly authorized search warrant. Mr. Painter apparently used the map to travel to the area of Ms. Craft's home, as the investigation revealed that he also conducted a database search for information on a vehicle belonging to Ms. Craft's next door neighbor. This was followed by an inquiry by Mr. Painter on the neighbor personally.

After receiving a complaint about Mr. Painter abusing confidential law enforcement databases and possible harassment of Kelli Suire, OIG investigators began monitoring Mr. Painter's use of the databases. On August 9, 2010, just days after OIG began its investigation, Mr. Painter again conducted a database search of Ms. Suire's personal information in an apparent attempt to find her new home. That same day, Mr. Painter also conducted searches attempting to identify the author of an anonymous email that was sent to two Baton Rouge media outlets. The email had criticized Mr. Painter's actions as ATC Commissioner. It appears that he incorrectly identified a completely uninvolved female LSU student as the source of the anonymous email. Mr. Painter apparently went to that female student's residence, as it was found that he contemporaneously ran vehicle license plate inquiries on two cars parked at her residence, followed by database searches for information about the two individuals who own those cars. Further, an examination of Mr. Painter's state issued Blackberry device following his resignation revealed that on August 9, 2010, Mr. Painter sent a text message containing the female LSU student's address to a federal law enforcement agent. He advised the agent that he needed research done on the address for a legitimate law enforcement matter. The federal

agent obtained the information that Mr. Painter requested and provided it to him via text message.

Inspector General Stephen Street said: “Mr. Painter abused these confidential law enforcement databases on a colossal scale, illegally accessing citizens’ private and restricted information more than 1,150 times. That, by itself, is extremely disturbing. Even worse is the fact that in several instances that we identified, Mr. Painter took it to the next level by physically going to the homes of innocent citizens and conducting covert surveillance upon them and their neighbors. That is an outrageous abuse of authority.”

Inspector General Street added: “I want to thank Colonel Mike Edmonson and the Louisiana State Police for their invaluable assistance throughout this investigation. It is yet another example of what can be accomplished when law enforcement agencies work together.”

To obtain the full report, follow this link:

<http://oig.louisiana.gov/assets/docs/reports/2010/CID-11-007.pdf>