

V. The Science of Personnel Management

Cooley's efforts to insure that no substantive enforcement actions are taken in the NW District is maintained through a program of intimidation, record destruction, and abusive use of the personnel system. One technique commonly employed is the internal transfer of employees by NW District management.

For the NW District, these internal problems were compounded by the recent loss of some of DEP's best and brightest enforcement attorneys; the decimation of the entire wetlands staff in Tallahassee by Secretary Wetherell; and other "top management" manipulations of regulations and programs. The result is the total collapse of environmental enforcement efforts in the NW District with repercussions felt across the State.

"Cross-training"

"Those who go along, get ahead in this agency."

-Bobby Cooley

Upon assuming command in the NW District Office, Cooley was quick to tell staff that Secretary Wetherell's office had given him broad reaching powers over personnel matters. He stressed that there were to be no contradictory memorandums or opinions in the public environmental case files that differed from his management decisions on any particular matter. He went on to emphasize his resolve by threatening to relocate or transfer individuals who did not comply with this directive. Cooley is fond of telling staff, "Those who go along, get ahead in this agency."

At a mandatory meeting for employees in the NW District, Cooley used the analogy of Ecosystem Management as being like a train, saying, "This Department is the Virginia [Wetherell] Train now, and things are going to be different. You'll either get on the train or get run over by the train." He went on to say that he could transfer people between programs without any approval other than his own.

For employees in the NW District, it has become understood that one's position could be jeopardized by any unwillingness to disregard previously enforced environmental laws of the State. Staff are typically transferred, or "cross-trained," from one section to another for not agreeing to ignore state regulations. Experienced staff are often replaced with inexperienced staff, sometimes leaving whole sections with only inexperienced people. This has resulted in a sharp decline in enforcement efforts in the NW District. And fewer complaints to top management.

Since the NW District does not deny permits to anyone for anything anymore, all it takes is a phone call from a developer complaining about an agency permitting employee and that employee gets pulled off the permitting review case.

Staff are discouraged from doing thorough inspection reports on major polluting facilities and are often directed to submit watered-down reports instead. It is commonplace for staff to be directed to alter reports. When they refuse, managers simply re-write the report (e.g. changing a 'violation' to 'passing'). It is common for staff to be told to issue permits for projects that do not meet elemental requirements of the law.

The following memo was delivered to staff in the NW District on November 5, 1996:

To: Staff
 From: Bobby A. Cooley
 Date: November 5, 1996
 Subj: Reassignment of Personnel

This memo serves to inform you of the personnel changes we have made that are effective today, Tuesday, November 5. These changes involve the reassignment of Rick Bradburn, Robert V. Kriegel, Charles Harp, and Eric Erickson to the Air, SLERP, Waste and Water Facilities programs, respectively. These changes are a result of



us establishing a cross training program which has often been recommended by the employee committee and the need to place the right individual in the right job so that both the individual and the agency are best served.

In order to implement this we will periodically reallocate agency staff, funding, and other resources as appropriate to provide a means of internal training to our employees. One such form of internal training is cross-training of staff between program areas. A major benefit of this type of training is better integration of agency programs. The reassignment of these individuals parallels and supports this concept.

Each of these individuals has been and should continue to be a valuable asset to the department. Please welcome them to their new jobs and provide all support necessary to make this a smooth and successful transition.

Several of the uprooted employees have 10-20 years experience in areas requiring extremely technical understanding of specific pollutants, the technology and history of the dischargers, the interaction between federal and state regulation and the interrelationship of all the above.

One environmental advocate and knowledgeable 20 year veteran in the industrial/domestic wastewater enforcement/compliance section, used to be in charge of supervising 18 people. This individual was "transferred or reassigned" to a position in the air permitting section where he has no supervisory responsibilities. He was replaced by Eric Erickson, who has no prior experience in the wastewater section. The real reason for the transfer was to assure favored polluters that they would not be required to obey the laws.

Even more disturbing is Cooley's recent promotion of Bob Kriegel, the NW District Director before Bobby Cooley [Kriegel was demoted by Carol Browner after an extensive Florida Department of Law Enforcement (FDLE) investigation.] Kriegel was recently chosen by Cooley to replace a veteran biologist with 12 years experience as supervisor of one of the NW District's most controversial programs and the one subject to the most special interest pressures—wetlands permitting. This was a promotion for Kriegel from a non-supervisory to a supervisory position.

At a November 18 staff meeting, two weeks after issuing the aforementioned memo, Cooley tried to explain the reasons behind the recent rotations of veteran managers out of their programs against their will into programs completely foreign to their training and expertise. He explained that it was "for their own good and best interest." The real reason was to hobble the minimal remaining enforcement effectiveness that these people represented.

Bobby Cooley prides himself on his dictatorial style and makes it clear that any employee who disagrees with him does so at his or her peril. Despite the position of unchallenged authority which he occupies, Cooley acts as if he is insecure. He has hall spies that report employees who have any negative comments or criticisms. At night, his people rummage through desks, telephone directories and garbage cans trying to find dirt on people, information that can be used against them.

*"They [the public] are so stupid,
I have them eating out of my
hand."*

—Bobby Cooley

"Total Quality Leadership"

In addition to intimidating and harassing employees, Bobby Cooley has also developed a reputation for callously dealing with members of the public. Environmentally conscientious members of the public who have met with Cooley to discuss legitimate environmental concerns have found him to be condescending

at best, verbally abusive at worst. Those citizens who publicly question his District's current mode of operation are maligned as emotional, vicious muckrakers.

Bobby Cooley, Sava Varazo (Ombudsman for the NW District) and Bob Kriegel recently became the focus of an internal investigation by the Department. This was the result of an incident in which two citizens who came to the District Office to review files about the questionable permitting of the Tarkiln Bayou dredge and fill project (to fill four acres of wetlands). The citizens were allegedly "detained" against their will by the threesome after a heated exchange. Kriegel allegedly blocked their way out of a door, with Varazo ending up stepping between Cooley and the citizens due to the intensity of the verbal exchange. The citizens filed a complaint and Cooley also filed a request for personal security. All this eventually led to a body guard for Cooley, in the form of a Florida Marine Patrol officer, being stationed in the District office.

In May, Cooley had \$5,000 worth of high-tech locks installed on each door leading into every office on every floor of his building. Citizens are now greeted in Cooley's building by glaring signs instructing everyone who has business at DEP to immediately proceed to Cooley's office, where their visit can be "processed." The process is that visitors are required to sign in, telling in addition to the date and time, their name, who they are representing, who they plan to talk to, and what they plan to discuss. Then before they can receive a visitors pass, they must surrender a photo identification, which Cooley has instructed his employees to keep and return to the visitor only at the end of their visit. Anyone refusing to surrender their personal property is not allowed to examine public agency files or speak with public employees. Cooley's employees are told that if they are caught talking with someone who does not have a visitor's pass, they will be fired immediately.

Recently, a new Cooley "policy" has emerged to deal with troublesome members of the public. It was determined that staff should not have to break away from their busy schedules of issuing all those permits to

take time to answer nuisance questions from a concerned public. It was verbally decreed by Cooley at a general staff meeting that if a concerned citizen shows up without an appointment, a staffer could refuse to talk to them.

Director Cooley further deflects public inquiry by making sure that the District's records contain nothing discordant or problematic. Files have been purged of any written DEP employee criticism concerning controversial permits. Many employee comments have been removed from files in recent months.

When a member of the public comes into the NW District to examine case files, it is not uncommon for files to be "cleansed" before they arrive. Cooley has even gone so far as to order that files be hidden. He has on many occasions told staff that the files must be "consistent" once a consensus (i.e. *his* decision) has been reached on a project. As a result, professional scientists and engineers are forced to remove their input from the review process if for any reason or in any fashion their findings or conclusions are inconsistent with the final decision.

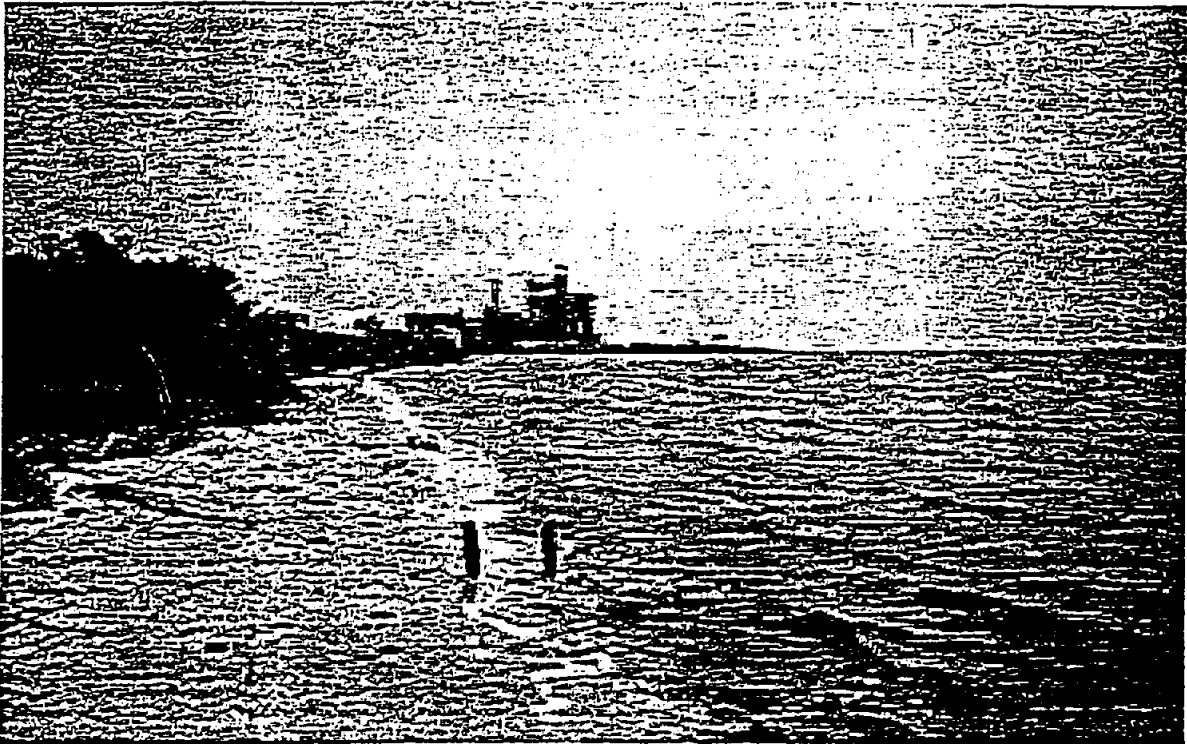
Any time citizens request to see files about controversial projects, employees are reluctant to share them, knowing that they chance Cooley's wrath for being too cooperative with the "enemy." Early in 1997, on two separate occasions, citizens went into the air program in Cooley's office to request files for a controversial polluting industry, which has enjoyed years of regulatory favoritism. Parts of the files were denied to the citizens on both occasions. Two of the citizens filed a complaint in circuit court. The judge ordered DEP to make all files available to the public during all hours of business. It turned out that DEP was keeping a whole box full of "private" files in one employee's office which were not available to the public—just for this one industry.

In an August 3, 1997 editorial entitled "DEP Investigation is Long Overdue," the Pensacola News Journal called once again for an independent investigation of Florida's Department of Environment Protection. The editorial accurately noted, "meanwhile, a

classic Bunker mentality appears to be developing inside DEP's Pensacola office."

The editorial writer's assessment is right on

target. The Bunker is needed to protect Cooley from citizen inquiries by everyday people who wonder why laws supposedly enacted for their protection are no longer being enforced.



A View to A Kill. Monsanto is one of many industries that have benefitted from Bobby Cooley's and DEP's lax enforcement and pro-polluter policies in Florida's panhandle.