

The Dallas Morning News

Republican aide accused of impersonating Democratic lawmaker

He denies criminal acts; others allege blackmail, impersonation

12:45 AM CDT on Tuesday, March 11, 2008

By EMILY RAMSHAW / The Dallas Morning News
eramshaw@dallasnews.com

AUSTIN – A veteran Capitol staffer resigned Monday over allegations he impersonated both a state representative and a newspaper reporter in the last month – first to sway a state primary race, then to glean information on an ethics complaint against his boss.

Todd Gallaher had been on leave from Republican state Sen. Bob Deuell's office since last month, when he used an e-mail address that looked like it belonged to a Democratic lawmaker to send out embarrassing photos of a South Texas sheriff up for re-election.

As recently as Thursday night, however, he was back in Dr. Deuell's Capitol office, apparently identifying himself as a *Dallas Morning News* reporter in a phone call with a California ethics watchdog.

Mr. Gallaher on Monday said that he led the ethics investigator to believe he was a *News* reporter and that he made the call without Dr. Deuell's permission or knowledge. He declined to comment about his involvement in the South Texas sheriff's race, though he said he doesn't believe he's done anything criminal.

"It sounds like I've put the senator in a very bad position," said Mr. Gallaher, who has worked at the Capitol for more than a decade. "I'm heartbroken about that."

The pictures from repjuangarcia@hotmail.com hit e-mail inboxes before the Aransas County primary election, showing Republican incumbent Sheriff Mark Gilliam revealing his buttocks, stripping off his shirt and pretending to kiss another man at a house party two decades ago.

But the real state Rep. Juan Garcia, the Corpus Christi Democrat whose district includes Aransas County, didn't send the e-mail – Mr. Gallaher did. Mr. Garcia hasn't ruled out legal action against the man he says impersonated him to try to defame the sheriff.

Dr. Deuell of Greenville said Mr. Gallaher told him he wasn't impersonating Mr. Garcia when he sent out the photos, which Sheriff Gilliam says were taken at a raucous New Year's Eve police party

in 1989. Dr. Deuell, who has apologized profusely for his staffer's actions, said Mr. Gallaher told him the personal e-mail address stands for "Republican Jaun Garcia," a super hero-like caricature Mr. Gallaher created long before Mr. Garcia ever took office.

"Todd made an error in judgment, and I hate it because Todd's judgment is usually very good," said Dr. Deuell, who accepted Mr. Gallaher's resignation Monday evening. "I'm embarrassed. Todd's embarrassed. I'll do anything to let people know [Mr. Garcia] had nothing to do with it."

Other controversy

This isn't the first time Mr. Gallaher has found himself amid controversy. He was deeply involved in a messy state tug-of-war over privatizing the state's specialty license plate business in 2006 – drawing allegations of meddling from transportation department officials. Mr. Gallaher has said he was trying to help the state implement the best program possible.

Meanwhile, Sheriff Gilliam, who lost the primary, is asking the Texas attorney general's office to open a criminal investigation of Mr. Gallaher. He says before the photos were released, he received two e-mails from a different address, telling him to "back off" of his opponent or risk public embarrassment. Those e-mails both traced back to the Dr. Deuell's office, Sheriff Gilliam said.

Under the Texas Penal Code, it's a crime for a state employee to use state property, such as an office computer, with the intent of "harming or defrauding another."

"I have conceded my loss; this is not sour grapes," said Sheriff Gilliam, who says the photos were "silly" and "not the best judgment" but surely didn't affect the outcome of the primary. "This is an allegation of blackmail and of serious criminal acts."

Last Thursday night, about the same time *The News* began investigating the South Texas e-mails, Mr. Gallaher showed up at Dr. Deuell's Capitol office. Though he was supposed to be on leave, Mr. Gallaher used an office phone to call California-based ethics watchdog Dave Palmer, quizzing him on a complaint Mr. Palmer had filed against Dr. Deuell the day before.

According to Mr. Palmer, Mr. Gallaher identified himself as "*Dallas Morning News* reporter Ed Franks" – but asked questions Mr. Palmer found suspicious. When Mr. Palmer tried to call the reporter back the next day using the caller ID on his cellphone, he was redirected to the Texas Capitol switchboard, a number inaccessible to the public.

The e-mail address the so-called reporter left for him included the letters and numbers "tbg1969" – Mr. Gallaher's initials and birth year.

When Mr. Palmer called *The News* and asked for Ed Franks, he learned no reporter by that name worked at the paper.

"The guy fumbled on the phone. This was a scam from the get-go," Mr. Palmer said. "I thought, 'What in the hell would motivate him to do this unless somebody put him up to it?'"

In an interview Monday before he resigned, Mr. Gallaher first said he didn't have a clear memory of Thursday's phone call with Mr. Palmer. Later, he said he led Mr. Palmer to believe he worked for *The News* and said he referred to himself by two different names during their conversation.

"I have not been in the office for a while, but I did go in that night," Mr. Gallaher said. "I think if I had told him I worked for one of the people he filed a complaint against, he may not have been as open with me."

Dr. Deuell said that he had no idea the call had taken place until he heard from Mr. Gallaher the next day and that he never would have put one of his staffers up to it. He said that he never specifically told Mr. Gallaher he couldn't come to the office during his leave and that the two continued to speak on occasion.

"I called Todd to see how he was doing, and he told me he called [Mr. Palmer] and didn't tell him who he was," Dr. Deuell said. "But he didn't say he identified himself as someone else. I can assure you I would've hit the roof then."

Alter ego

If the e-mail address on the South Texas sheriff photos was truly just a coincidence, Rep. Garcia said, it's one that's "beyond comprehension." His office has asked for evidence that Mr. Gallaher has used the alter ego before – a request that Dr. Deuell said has produced cartoon sketches from the 1990s. In those sketches, Mr. Gallaher points out, "Juan" is spelled "Jaun," a sign that the character is in no way linked to Mr. Garcia. In the e-mail address, however, it was spelled "juan."

Mr. Gallaher, who has apologized to Mr. Garcia, apparently sent the e-mails to several politically connected people in Aransas County to try to advance the campaign of Sheriff Gilliam's challenger, County Constable Bill Mills.

Mr. Gallaher declined to comment on his connection to Mr. Mills, who won Tuesday's Republican primary and has no Democratic contender in November. But a review of Mr. Mills' campaign expenditures indicate he has paid \$11,000 since July 2007 to an Austin-based consultant – one that lists Mr. Gallaher's post office box as its address.

Rep. Garcia said he found out about the e-mail only when his office started receiving phone calls from friends and constituents who believed he was the sender. His information technology staff traced the e-mail address – first to the Capitol, then to Dr. Deuell's office, and eventually to Mr. Gallaher's state computer.

"Our interest and our concern is with conveying to our local community that neither myself nor my staff generated this e-mail or knew anything about it," Mr. Garcia said.
