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STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

June 7, 2016

VIA U.S. MAIL and E-Mail

Dan Schwartz and Anne Galloway
VT Digger
97 State Street
Montpelier, VT 05602

Re: Request for tax and financial records regarding Cynthia Diaz

Dear Mr. Schwartz and Ms. Galloway:

The Attorney General's Office is in receipt of your June 2, 2017 reply to our letter sent to you on April 20, 2017. In the April 20 letter, we provided you with information regarding records relating to Cynthia Diaz in the form of a nineteen-item list, each item referring to a distinct set of documents. We also provided information pertaining to the cost of reviewing each record and determining whether it is responsive to your request, and whether it is exempt from a public-records request pursuant to 1 V.S.A. § 317(c) or any other law.

I will address each of your requests in turn:

1. "A reissue of the Mooney audit." The Mooney audit was previously provided to you without redactions. Nevertheless, I am resending it electronically.
2. "The Northrop deposition." As previously communicated, redactions to the Northrop deposition to comply with 1 V.S.A. § 317(c)(7) and other exemptions will take approximately two hours. In our previous correspondence, we conveyed that advance payment for the time needed to make the necessary redactions is required. An estimate of two hours' time at \$.57 per minute was quoted. If you would like to proceed, please provide advance payment in the amount of \$68.40 pursuant to 1 V.S.A. § 316(c).
3. "Reports from Gosselin, Clark, Bottino, Howell, Letourneau, Palmer and

Chapman.” As previously communicated, the State is obligated to redact these reports consistent with the requirements of 1 V.S.A. §§ 317(c)(5)-(7). The reports contain narratives along with supporting financial analysis. The Attorney General’s Office (“AGO”) anticipates that it may take up to six hours to make these redactions at \$.57 per minute. If you would like to proceed, please provide advance payment of \$205.20 pursuant to 1 V.S.A. § 316(c).

4. “Twenty-five pages reflecting wire transfers and wiring instructions pertaining to Ms. Diaz’s personal financial accounts regarding the foreign banks we identified.” These documents are exempt from production as they represent personal financial information pursuant to 1 V.S.A. § 317(c)(7).
5. “The divorce order for Cynthia Diaz and her ex-husband.” Please see the copy that is enclosed with this letter.
6. “Cover letters from Mr. Northrop.” Enclosed with this letter please find the documents responsive to your request. Redactions have been made pursuant to 1 V.S.A. § 317(c)(6); 1 V.S.A. § 317(c)(1) (records which are designated as confidential by law); 32 V.S.A. § 3102 (“Confidentiality of tax records”); and 26 U.S.C. § 6013 (“Confidentiality and disclosure of returns and return information”). Senior-level staff time was expended to review and redact these records. Nevertheless, they are enclosed with this letter and are being provided to you free of charge.
7. “Correspondence with employees from the State Auditor’s office.” As previously communicated, these records may contain information that would require redaction under 1 V.S.A. §§ 317(c)(6) and (7). The AGO anticipates that it may take up to 30 minutes to make these redactions at \$.57 per minute. If you would like to proceed, please provide advance payment of \$ 17.10 pursuant to 1 V.S.A. § 316(c).
8. “Correspondence with Sullivan and Powers to the State Auditor’s office and correspondence from the Vermont NEA.” These documents contain personal financial information exempt under 1 V.S.A. § 317(c)(7). The AGO anticipates that it may take up to 65 minutes to make these redactions at \$.57 per minute. If you would like to proceed, please provide advance payment of \$ 37.05 pursuant to 1 V.S.A. § 316(c).
9. “Discovery correspondence and materials between the AGO and opposing counsel.” These documents contain personal financial information exempt under 1 V.S.A. § 317(c)(7) and 32 V.S.A. § 3102. Further time is needed to analyze whether these documents can be redacted or are otherwise exempt in their entirety. The AGO will make such a determination and reply within ten

business days from your request pursuant to 1 V.S.A. § 318(a)(5).

10. "The file entitled 'Diaz v. State – Taxes.' " As previously communicated, this file contains tax information including correspondence, e-mails, and copies of court filings previously produced. It also contains income, banking, and tax schedule/records that contain personal financial information considered exempt pursuant to 1 V.S.A. §§ 317(c)(6) & (7). Some of the e-mails are between AGO counsel and counsel for other state agencies and are considered work product exempt from production pursuant to 1 V.S.A. § 317(c)(3). Further time is needed to analyze whether these documents can be redacted or are otherwise exempt in their entirety. The AGO will make such a determination and reply within ten business days from your request pursuant to 1 V.S.A. § 318(a)(5).

To the extent you consider this response to constitute a denial of your request, you may appeal to the Deputy Attorney General. Any appeal should be in writing and addressed to:

Joshua Diamond, Esq.
Deputy Attorney General
109 State Street
Montpelier, VT 05609-1001

Sincerely,



Zachary J. Chen
Assistant Attorney General

Enc.

STATE OF VERMONT
ORLEANS COUNTY, SS:

CYNTHIA DIAZ,
Plaintiff

FAMILY COURT OF VERMONT

FILED

MAY 22 2001

Orleans Family Court

Orleans County

v.

VINCENTE DIAZ,
Defendant

DOCKET NO.: F195-10-00 OsDm

FINAL ORDER AND DECREE OF DIVORCE

The above-entitled matter came on for Final Hearing on May 22, 2001 before the Vermont Family Court, the Hon. ^{Dennis R. Pearsy} ~~Howard E. Van Benthuysen~~ presiding. Plaintiff was present with her attorney, Thomas P. Donnellan, Esq. Defendant did not appear.

DDP

Based upon the pleadings filed in this matter, the evidence produced at hearing and, a Stipulation for Final Order executed by the parties and filed with the court, IT IS HEREBY ORDERED:

1. Notice, marriage and residence proved. A divorce from the bonds of matrimony is granted to Plaintiff on the grounds that the parties have lived separate and apart for a period in excess of six (6) months, the resumption of marital relations being not reasonably probable. Decree Nisi to become absolute June 22, 2001.

2. Physical Rights and Responsibilities of Minor Children. Plaintiff shall be awarded physical responsibility for Lilyana Diaz (DOB 5/3/94) and Roberto Diaz (DOB 3/6/98) (the "Children") and she

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and they shall reside in Plaintiff's home in Coventry, Vermont. Except as otherwise set forth herein, Plaintiff shall be responsible for all expenses for the Children and the expenses for the Marital Home.

3. Legal Rights and Responsibilities of Minor Children. Plaintiff shall be awarded legal rights and responsibilities with regard to the Children. In the event the Defendant relocates his residence to the United States, the parties agree to negotiate a new agreement and stipulation as to custody and visitation.

4. Parental Contact. Upon advance notice to Plaintiff, at times when the Defendant is in the United States he shall have daily contact with the Children if he so desires providing that the same does not interfere with any plans already regarding the children of their schooling. Defendant shall have overnight visitation with the children for two seven-to-fifteen day periods (the "Overnight Visitations") during the calendar year. One Overnight Visitation shall be during the time the children are on summer recess from school and the second shall be during the Christmas, February or April school holidays. The Defendant shall provide the Plaintiff with a minimum of 30 days notice for each of these Overnight Visitation periods. The Defendant shall further have visitation on one of the following holidays: Christmas, Thanksgiving or Easter. However, the Defendant shall not be entitled to visitation on any of these holidays in two consecutive years. All birthdays will be celebrated with the Plaintiff. The visitation schedule shall be reconsidered by the parties when

children are age 12, should the parties not be able to agree on an appropriate schedule, either party may petition the Court to resolve the visitation issue at said time.

Unless otherwise agreed by the parties, all visitations shall take place in Vermont and the Defendant shall not transport the Children or cause them to be transported out of state without the written consent of Plaintiff. In the event the parties agree to visitation outside of Vermont and such visitation requires the children to travel by commercial airline, the Plaintiff shall accompany the children on such flights. Defendant shall be responsible for all costs associated with such flights for the children only. Under no circumstances shall the Children ever leave the United States to visit or travel to Ecuador or Columbia while having parental contact with the Defendant.

5. Child Support. In accordance with the Stipulation of Child Support between the parties, Defendant shall pay \$500 per month to Plaintiff in support of the Children. Both parties acknowledge and agree that this support payment is higher than the support obligation that would be imposed on the Defendant under the guidelines established by the Secretary of Human Services in accordance with 15 V.S.A. § 654. Plaintiff will be solely responsible for obtaining health insurance for the Children and shall maintain said insurance for the benefit of the Children unless otherwise agreed by the parties, with monthly verification for Defendant's approval. The parties agree that this arrangement will allow adequate provision for their minor children, unless

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there is a material change in circumstances.

6. Real Property. The Plaintiff shall be entitled to exclusive title, possession, and ownership of the residence located at Coventry Station Road, Coventry, VT (the "Real Property") free and clear of any claims on the part of the Defendant. Defendant hereby expressly waives all right to any proceeds derived from the Real Property, either by way of condemnation, rental, sale or otherwise.

7. Personal Property and Other Assets. Each party shall be entitled to retain sole ownership of the household furniture, furnishings, and personal property in their possession. Each party shall have sole right to their respective wages and all monies in their respective checking, savings, brokerage and other financial accounts. Each party shall have sole and exclusive ownership of their respective retirement accounts. The parties agree that all personal property and other assets have been divided to their mutual satisfaction.

8. Status of Personal ^{Property} After Divorce. After the date of the Final Order of Divorce from the Court, each party shall have all rights of ownership in his or her property free of any claim or right of the other party, as if the marriage between them had never taken place. The parties hereby waive any claim to any personal, business or real property which may hereinafter belong or come to the other party.

9. Marital Debt and Assets. Each party shall be responsible for all credit card or other revolving debt incurred by that party

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during the marriage. Each party shall be individually and legally responsible for any debt contracted for or incurred by that party after January 1, 2000. The parties have fully disclosed to each other the nature and amount of each such debt and agree to hold the other party harmless for any liability for the same. Each party further warrants and represents that they have disclosed all assets, whether held solely or jointly, to the other party.

10. Maintenance, Alimony, Support. Neither party shall be required to pay the other party any alimony, separate maintenance payment or any other type of payment of any kind except as provided herein. In addition, the parties shall not be required to maintain health insurance, life insurance, disability insurance or any other type of insurance or benefit for or on the other party's behalf. Neither party is entitled to share in the pension or retirement of the other party.

11. Other Agreements.

a. Each party shall henceforth hold, possess, and enjoy for his or her sole and separate use and benefit, and free from interference and control by the other, all the real and personal estate, choses an action, and other property of which he or she is or at any time hereafter may be seized or possessed and each party releases and relinquishes any and all claims and rights that he or she may have had, may now have, or may hereafter acquire, to share in any capacity or to any extent whatsoever in the estate of the other party upon the latter's death whether by way of statutory allowance, distribution in intestacy, or election to take against

the other party's will, or to act as executor or administrator of the other party's estate. Without affecting the generality of the foregoing, each party waives and releases all rights of dower or curtesy, as the case may be, in any real property which either party now has or may hereafter acquire; and each will, upon request, execute good and sufficient releases of dower or curtesy to the other, or to his or her heirs, executors, administrators, or assigns, or will join, at the request of the other, in executing any deed or other instrument affecting such real property, provided, however, that nothing contained herein shall in any way constitute a waiver of the right of either party to a full and complete performance of the terms of this Order or any subsequent order issued by the Court based upon the Stipulation of the parties.

b. Both parties have entered into the Stipulation filed with the court upon mature consideration; the Court finds that the execution of the Stipulation has not been obtained by duress, fraud or undo influence of any person and, that no representations of fact have been made by either party to the other as expressed herein and, the Court finds that the Stipulation of the parties is both fair and reasonable.

c. Each of the parties will execute and deliver to the other party any documents that may be reasonably required to accomplish the intention of this Order or any order issued by the Court based thereon, and shall do all other things necessary to this end. If either party shall fail to comply with the provisions of this


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paragraph, this Order shall constitute an actual grant, assignment, and conveyance of property and rights in such manner, and with such force and effect, as shall be necessary to effectuate the terms of this Order and any subsequent order based thereon.

d. Each party agrees to bear his or her own attorney's fees and costs of suit.

e. After the date of the Stipulation of the parties, August 21, 2000, neither party shall contract any indebtedness or incur any liability for which the other party may become liable.

DATED AT Newport, Vermont this 22nd day of May, 2001.


~~HON. HOWARD E. VAN BENTHUYSEN~~
Presiding Judge *Dennis R. Pearson*

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CORRETTE & ASSOCIATES

CERTIFIED PUBLIC ACCOUNTANTS

P. O. Box 4039 • St. Johnsbury, VT 05819 • (802) 748 - 4858

Toll Free (888) 748 - 4867

FAX (802) 748 - 2497

Cynthia Diaz
PO Box 24
Coventry, VT 05825

Dear Cynthia:

Enclosed is your Federal Individual Income Tax Return. The original should be signed at the bottom of page two.

Mail your Federal return as soon as possible to:

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
KANSAS CITY, MO 64999-0002

Also enclosed is your Vermont Individual Income Tax Return. The original should be signed at the bottom of page one.

VERMONT DEPARTMENT OF TAXES
P.O. BOX 1881
MONTPELIER, VT 05601-1881

Please give me a call if you have any questions.

Sincerely,



Randall D. Northrop, CPA

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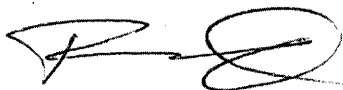
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Cynthia Diaz
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Dear Cynthia:

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