

1 *redacted*

2 Q Yeah.

3 A Nobody cares.

4 Q Right. But, again, you can't -- without seeing  
5 the documentation you requested, you can't make any  
6 conclusions, is that correct?

7 A That's true, yeah.

8 MR. DOYLE: Okay. All right. I have  
9 nothing further.

10 MS. VINCENT: I have a couple.

11 MR. DOYLE: Sure.

12 MS. VINCENT: Just a couple though. Ultan  
13 has been so thorough.

14 THE WITNESS: Can I ask one?

15 MS. VINCENT: Yeah.

16 THE WITNESS: How long can you keep me  
17 here?

18 (inaudible conversations)

19 EXAMINATION BY MS. VINCENT:

20 Q But seriously. I'm sorry. Explain again the  
21 difference *redacted* Do you mean  
*redacted*

24 A That is exactly what I mean.

25 Q Thank you. I just wanted to make sure. And you

redacted

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[Faint, mostly illegible text]

A I don't know.

Q (inaudible).

redacted

A Well, it's -- it's very complicated.

Q Uh-huh.

A You want a complete answer or want a short answer?

Q Well, short. It's lunchtime. (inaudible).

redacted

1 MS. VINCENT: That's all I have. I just  
2 was -- after Ultan's (inaudible) some lingering  
3 questions. (inaudible).

4 MR. DOYLE: Actually, I just -- I just  
5 have a couple of follow-ups.

6 EXAMINATION BY MR. DOYLE:

7 *redacted*

8  
9 A No.

10 Q No? (inaudible).

*redacted*

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*redacted*

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A I have an excellent memory, but you probably don't care about that. I don't recall (inaudible).

*redacted*

A Yeah, I speak a few languages. Spanish is not one of them. I don't know what that --

MS. VINCENT: And Spanish is so useful.

THE WITNESS: I speak Japanese, I speak Korean, I speak some German, I'm pretty good in French, but (inaudible) French teacher, but Spanish is out of my (inaudible), I'm sorry.

MS. VINCENT: Well, Ultan (inaudible) anyways.

Q Okay. So there was never any discussion of where the -- you -- you said that she mentioned owning a company with her husband though, did I hear that correctly?

MS. VINCENT: No.

A No.

MS. VINCENT: He already -- that's been asked and answered but --

*redacted*

redacted

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Q Okay.

MS. VINCENT: Ulan, you ask; you don't listen.

MR. DOYLE: Okay. All right.

MS. VINCENT: (inaudible).

MR. DOYLE: That should do it. Is there anything else?

MS. VINCENT: No.

MR. DOYLE: Okay. We will go off the record.

MS. VINCENT: No. The --

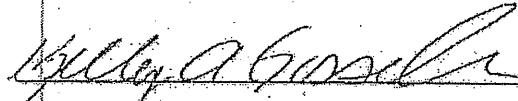
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CERTIFICATE

I, Kelly A. Gosselin, hereby certify that the foregoing pages are a complete and accurate transcription to the best of my ability utilizing generally accepted court reporting practices for an audio recording as presented to me for transcription.

Dated at Moretown, Vermont, this 24th day of May 2011.



Kelly A. Gosselin

MEMO

TO: File  
FROM: Anne Marie Mooney, CFE  
DATE: February 21, 2007  
RE: Town of Coventry, VT

I spoke to Attorney William Davies by telephone *redacted*. He authorized me to release all information and documents to law enforcement after we visited Coventry, VT from 2/26/07 through 3/1/07.

He requested that we advise law enforcement that the town meeting for the election of town clerk would be held on 3/6/07.

Attorney-Client Privilege  
Work Product Doctrine

Confidential

MEMO

TO: Kelley Clark, Detective Sergeant, VT State Police  
FROM: Anne Marie Mooney, CFE  
DATE: March 2, 2007  
RE: Town of Coventry, VT

We have copies of most of the Coventry business records to substantiate our findings.

We have worked with *redacted* to obtain Coventry's bank records and checks. The bank's written policy to honor checks within 3 months old is not enforced, *redacted*

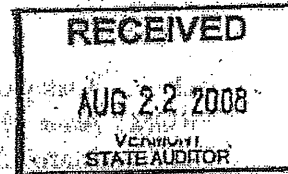
There were significant amounts of cash payments for property taxes, and all cash taken in is not explained or accounted for. Cash and checks were not reconciled, and there was not oversight for any activity.

Should the state pursue this matter, it would be beneficial to obtain the town's records that exist *redacted*

Should you need additional assistance, please call me *redacted*



**TOWN OF COVENTRY**  
**P.O. BOX 104**  
**COVENTRY, VT. 05825**



August 21, 2008

Mr. Joseph Juhasz  
Office of State Auditor  
132 State St.  
Montpelier, Vt. 05633-1400

Dear Joe,

The Coventry Town Select board formally requests the assistance from the Office of State Auditor to review a fraud audit report done by Anne-Marie Mooney for the Town of Coventry. The Coventry Select board, with advice from Town Attorney William Davies, has not reviewed this report as of this date. We would ask that your office discuss this report with Orleans County States Attorney Keith Flynn and forward a copy of the report to Attorney General William Sorrell to determine if prosecution is warranted.

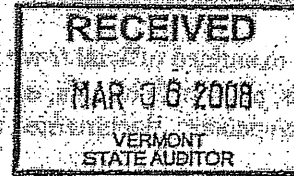
Should it be found that no prosecution is warranted, we would request that your office review this report with Coventry Town Clerk and Treasurer, Cynthia Diaz. After your office has reviewed the report with the Coventry Town Clerk and Treasurer, the Coventry Select board would request a meeting with you, Town Attorney William Davies, fraud auditor Anne-Marie Mooney, and Coventry Town Clerk and Treasurer Cynthia Diaz in order to review and discuss the report. We would then need to formulate a comprehensive plan to bring the Office of Town Clerk and Treasurer back into compliance should there be any deficiencies found in the fraud audit report.

I look forward for your assistance on this matter and should you have any questions, please feel free to contact me at *redacted*. Should you need to use the U.S. mail, please send to *redacted*. My e-mail address is *redacted*.

Sincerely,

Michael J. Marcotte  
Chairman  
Coventry Town Select board

Anne Marie Mooney, CFE, Inc.  
PO Box 24  
Atkinson, NH 03811



March 1, 2008

Mr. Thomas M. Salmon, CPA  
Vermont State Auditor  
132 State Street  
Montpelier, VT 05633-5101

Privileged & Confidential

Re: Town of Coventry, VT

Dear Mr. Salmon: [redacted]

We thank you for your time and that of [redacted] reviewing this matter and our report. I am writing you to give an overview of the issues and suggestions for follow up.

The Town of Coventry under attorney-client privilege of Town Counsel William Boyd Davies retained us in August 2006 to review books and records of the town as kept by town clerk Cynthia Diaz. It is important to understand the timeline and series of events as they took place while we performed our review.

Background

Diaz was elected to this position by 1 vote in March 2004 for a period of 3 years, ending March 2007. She was re-elected by a landslide vote and remains in this position until March 2010.

We were informed that prior to 2003 until April 2005, she held a bookkeeping position with Gray's Paving. [redacted]

The Orleans States Attorney opened an investigation, and Diaz was indicted in April 2006; the charges were since dropped in August 2007. In April 2005, Diaz was fired from Gray's, but Gray did not want to prosecute. [redacted]

Overview

We reviewed most of the town's books and records from 2004 through 2006. For each year, the records were kept inconsistently. We could not balance any of the records financially; so, we performed total transaction analysis of the records and focused our attention on taxes paid/collected in cash.

Attorney-Client Privilege  
Work Product Doctrine

We examined official town records, tax bills, receipts, bank statements, her bank deposit slips, petty cash checks, etc. and compared them to bank records. We noted the discrepancies, documented them and confronted Diaz (per our written report).  
redacted

We compiled spreadsheets of information regarding the years 2004 through 2006; although we could not account for all discrepancies, we noted what we could.  
redacted

redacted She did not make any cash deposits for the town (including tax payments and late fees) collected after 11/4/04 until 6/6/05. This practice was also noted in 2006, and in 2007.  
redacted

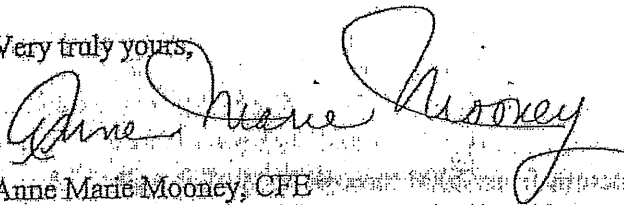
Follow Up

redacted It would be in the best interests of the State and the Town to continue this investigation.  
redacted We would be happy to further assist you in this matter.

Please visit my web site: [www.annemariemooneycfeinc.com](http://www.annemariemooneycfeinc.com)

We thank you for your time and consideration in this matter. You can reach me at  
redacted

Very truly yours,

  
Anne Marie Mooney, CFE

Attorney-Client Privilege  
Work Product Doctrine

MEMO

TO: File  
FROM: Anne Marie Mooney, CFE  
James Taylor, CIA, CFE  
DATE: August 1, 2007  
RE: Town of Coventry, VT

During our ongoing review of policies, procedures and record keeping for the town, we reviewed several documents with Town Clerk Cynthia Diaz in her office at the Coventry Community Center during evening office hours on 2/28/07. We focused our discussion on the payment of property taxes by cash and by check. In 2004, property taxes were due by 11/4/04. If payment was delinquent, penalties and interest were owed until full payment or the property would go to tax sale. Diaz keeps carbon copies of deposit tickets in bound books. We copied all of her deposit tickets that were submitted to Community National Bank (CNB) for the town's account.

EXHIBIT 1

Diaz was asked to examine a copy of the deposit ticket dated 8/19/04 for \$5,883.21 comprised of \$1,840 in cash and 4 items recorded as checks. Her normal practice is to list currency without any explanation on the ticket, and to list the last name of the tax payor and the amount of the check on the ticket. Diaz was asked to explain the arrow that was marked from *redacted* name to currency of \$1,840. She stated that *redacted*

*redacted* She was asked to note this on the ticket copy and initial and date same. She did so.

EXHIBIT 1A

Diaz was then shown the copy and details of the 8/19/04 deposit ticket as retrieved from CNB. Currency of \$1,840 and 4 checks, all totaling \$5,883.21 were deposited on 8/20/04.

There was not a check for \$597.61 from *redacted* in this deposit. *redacted* We had examined this check during our visit on 8/11/06. Diaz is authorized to print and sign town checks (for i.e. payroll, vendor and petty cash) when warrants with documentation are approved by the town selectmen. *redacted*

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Work Product Doctrine

Diaz was asked to explain  
*redacted*

She began to search for her petty cash back up  
documentation. We reminded her that she was never able to produce any back up. *redacted*

*redacted* She said that she probably needed cash to make change for those  
tax payors that paid in cash.

EXHIBIT 1B

Diaz maintained an Excel spreadsheet showing various payments of 2004 property taxes  
noting whether payment is in cash or check and pertinent dates, amounts, and check  
numbers. *redacted*

EXHIBIT 1C

A tax stub is the bottom of the tax bill document. It is normally completed to indicate  
payment of taxes on various parcels. Per Town Clerk Diaz, tax stubs are maintained by  
the clerk as backup evidence of tax payment. This exhibit represents tax stubs for  
*redacted* indicating payment of *redacted* 2004 property taxes in cash for two parcels

of land. *redacted*

EXHIBIT 1D

This exhibit is: 1) Town of Coventry check number 7535 issued to  
*redacted* and, 2) accompanying  
check warrant report showing petty cash entry for the *redacted* expenditure. There is no  
supporting documentation for this disbursement.

EXHIBIT 2

Diaz was asked to examine a copy of a CNB deposit ticket dated 11/6/04 for \$14,300.78  
of which \$655.43 is listed as currency and 12 checks for property taxes. This carbon  
copy of the deposit ticket appears exactly as contained in her deposit book with her  
notation and initials. *redacted*

*redacted* She said that this was accurate and referred to the town tax records kept in her  
own handwriting in which she recorded. *redacted*

She also kept the original tax ticket stub reflecting this  
information of which we have a copy.

Attorney-Client Privilege  
Work Product Doctrine

EXHIBIT 2A

Diaz maintained an Excel spreadsheet showing various payments of 2004 property taxes noting whether payment is in cash or check and pertinent dates, amounts, and check numbers.

EXHIBIT 2B

A tax stub is the bottom of the tax bill document. It is normally completed to indicate payment of taxes on various parcels. Per Town Clerk Diaz, tax stubs are maintained by the clerk as backup evidence of tax payment. This exhibit represents the tax stub for <sup>redacted</sup> indicating payment of <sup>redacted</sup> 2004 property taxes by check <sup>redacted</sup> on 11/4/2004.

EXHIBIT 2C

Diaz was then shown a copy and details of the 11/6/04 deposit ticket as retrieved from CNB. Currency of \$3,940 and 12 checks, totaling \$14,300.78 were deposited on 11/16/04. She was asked why

<sup>redacted</sup> She hesitated. Diaz reviewed the book of carbon deposit tickets and rubbed her hand between the ticket of 11/1/04 for \$438 marked "recordings" and her ticket of 11/6/04 that was copied over the 11/1/04 ticket. She said that the deposit ticket recorded by her carbon deposit ticket that matched the bank's was missing from the bound book, and that the bank's records were accurate.

Diaz rambled on to say that before she took the money/check bag to the bank, the contents spilled out in the town's vault. She picked up what she could and deposited the items with another deposit ticket. She was again asked to explain how currency increased to \$3,940 <sup>redacted</sup>

EXHIBIT 2D

Diaz was then shown a copy of a deposit ticket dated 11/1/04 with 15 checks listed for "recordings" in the amount of \$438. She reviewed the carbon ticket in her book. We told her that this ticket was a true deposit and had been written over to create the false 11/6/04 ticket.

EXHIBIT 2E

Attorney-Client Privilege  
Work Product Doctrine

Diaz was shown the copy of the deposit ticket and details of the CNB deposit on 11/2/04.  
This ticket matches the 11/1/04 carbon ticket for \$438.00.

EXHIBIT 3

Diaz was asked to review a copy of a deposit ticket dated 5/31/05 for \$16,124.02 for 12 items. We couldn't read this ticket during our visit on 8/11/06, so we asked her to clarify what this ticket represented for deposits. She told us that the deposit contained an adding machine tape that included 12 amounts. She handwrote on this copy that \$16,124.02 was comprised of 12 checks.

EXHIBIT 3A

Diaz was then asked to examine this same deposit ticket during our visit on 12/21/06. She said that the deposit was comprised of \$12,782.02 by checks and \$3,246.00 in cash. She had dated and initialed this ticket.

EXHIBIT 3B

Diaz was asked to examine a copy of the deposit ticket and details of the 5/31/05 ticket as retrieved from CNB. The deposit of \$3,246.00 as cash and 12 checks for \$12,782.02, totaling \$16,124.02 was deposited on 6/6/05. <sup>redacted</sup>

Attachments

Attorney-Client Privilege  
Work Product Doctrine

Re: MDCOV0001-01

Month/Year	Hours	Task
8/8/06	4.0	Interview C. Diaz. She discusses duties of town clerk/treasurer, overseer of public funds, bookkeeper for school board, assistant to listers, minute taker for selectmen, and maintainer of voter check lists. Review town operations and identify financial and computer data and records. Examine vault and check stock. Discuss security of vault and building. 2.0 Review copies of Community National Bank (CNB) statements and disbursement checks for 2004 and 2005 provided by <i>redacted</i>
8/9/06	11.0	Interview C. Diaz. Review official town records: property, licenses, land recording, cemetery, general fund, operating and expense funds. Examine collection process and recordings for taxes, licenses, copying, and land recordings. Review computer modules and back up. Examine general ledger, reserve accounts, payroll, accounts payable and receivable, manual checks, etc. Review warrant process, warrants and back up documentation. Examine vendor files, invoices, documentation, and disbursement payments. Begin review of receivables, cash and checks. Examine receipts if available. Focus on cash transactions: property taxes, tax sales, transfers, recordings, etc. Discuss penalties and interest fees for late tax payments.
8/10/06	12.0	Examine cash accounting and internal controls. Review records for property tax collection. Gather official tax records and begin copying: grand lists, tax tickets, tax stubs, CNB deposit tickets of C. Diaz, and collection reporting for 2004 and 2005. Compare lister hours to those recorded by C. Diaz.
8/11/06	7.0	Learn of petty cash journal entries for C. Diaz. Review entries and back up documentation. Finish copying tax records.



Attorney-Client Privilege  
Work Product Doctrine

Re: MDCOV0001-01

Month/Year	Hours	Task
8/16/06	8:0	Review all Coventry documents retrieved. Realize there is no reconciliation of tax collection. Focus on total transaction analysis of all tax collection: comparing official tax records kept by C. Diaz to grand lists, tax tickets, tax stubs, deposit tickets to CNB and CNB bank statements.
8/17/06	1.0	Conference call with W. Davies and M. Marcotte. Discuss initial analysis and ongoing strategy.
	0.5	<i>redacted</i> and A. M. Mooney discuss call.
8/29/06	7.5	Conduct total transaction analysis for 2004 taxes.
9/13/06	7:0	Conduct total transaction analysis for 2004 taxes.
9/21/06	7:0	Conduct total transaction analysis for 2004 taxes.
10/2/06	6:0	Conduct total transaction analysis for 2004 taxes.
10/10/06	7:0	Conduct total transaction analysis for 2005 taxes.
11/8/06	7:0	Conduct total transaction analysis for 2005 taxes.
11/10/06	7:0	Conduct total transaction analysis for 2005 taxes.
11/27/06	7:0	Conduct total transaction analysis for 2005 taxes. Compile list of 52 missing tax stubs for 2004 and 2005 taxes.
12/18/06	7:0	Meeting at May & Davies with W. Davies, K. Clark, <i>redacted</i> M. Marcotte, <i>redacted</i> and A.M. Mooney. Discuss review, ongoing strategy, and tax sale process for 2004, 2005 and 2006.

Attorney-Client Privilege  
Work Product Doctrine

Re: MDCOV0001-01

Month/Year	Hours	Task
12/19/06	10.0	Question C. Diaz about her penalties and interest fees calculations for late tax payments. Review official tax records and documents as kept by C. Diaz for 2006. Question C. Diaz about inconsistencies of record keeping for 2004, 2005 and 2006. Discuss town meetings, elections, voting and voter registration. C. Diaz explains 52 missing tax stubs. Copy these 2004 and 2005 tax stubs. Begin copying all 2006 official tax records: grand lists, tax tickets, tax stubs, CNB deposit tickets, and documentation of C. Diaz.
12/21/06	7.0	Learn of tax bag. Examine and record contents: cash, checks, tax tickets and tax stubs for 2006 taxes. There were no bank deposits made to CNB after 11/3/06 (tax day 2006). Bag contained: \$2,516.64 cash and \$10,473.65 checks collected after 11/3/06. Penalties and interest were not assessed or collected. Continue copying 2006 tax records.
12/26/06	25 (N/C)	Telephone call to <sup>redacted</sup> Discuss situation.
	25 (N/C)	Telephone call to <sup>redacted</sup> request CNB deposit information (directly from CNB) for 6/6/05 deposit.
1/12/07	1.5 (N/C)	After reviewing 6/6/05 information from CNB, work with <sup>redacted</sup> to obtain all bank statements, deposit checks and disbursement checks for Coventry from 2004 to present (ongoing monthly).
2/20/07	2.0	Compare CNB information to tax records for 2004.
2/21/07	2.0	Compare CNB information to tax records for 2005.
2/23/07	2.0	Compare CNB information to tax records for 2006.

Attorney-Client Privilege  
Work Product Doctrine

Re: MDCOV0001-01

Month/Year	Hours	Task
2/26/07	7.0	Copy missing tax stubs for 2006. Note checks for late payment of property taxes not deposited.
2/27/07	3.0	Meet with <i>redacted</i> at CNB. Review NSF details for 2004, 2005, 2006 and 2007.
	4.0	Review NSF items for 2004, 2005, 2006 and 2007 with C. Diaz.
2/28/07	4.0	Prepare for interview of C. Diaz with copies of pertinent documents.
	3.0	Interview C. Diaz with documents.
3/1/07	4.0	Document discrepancies and responses. Make copies.
3/2/07	2.0	Draft discrepancy report with corresponding documents. Telephone call, email and mail to <i>redacted</i> (N/C).
3/7/07	5.0	Conduct total transaction analysis for 2006 taxes.
3/23/07	1.0	Conference call with <i>redacted</i> . Discuss discrepancy report and documents.
4/27/07	2.0	Conduct total transaction analysis for 2006 taxes.
5/2/07	2.0	Conduct total transaction analysis for 2006 taxes.
5/3/07	2.0	Conduct total transaction analysis for 2006 taxes.
5/16/07	2.0	Conduct total transaction analysis for 2006 taxes.
5/18/07	2.0	Conduct total transaction analysis for 2006 taxes.
5/24/07	2.0	Compare CNB records to 2006 tax records.
5/31/07	2.0	Compare CNB records to 2006 tax records.

Attorney-Client Privilege  
Work Product Doctrine

Re: MDCOV0001-01

Month/Year	Hours	Task
6/16/07	2.0	Compare CNB records to 2007 information <i>redacted</i>
6/18/07	2.0	Compare CNB records to 2007 information <i>redacted</i>
6/20/07	2.0	Compare CNB records to 2007 information <i>redacted</i>
6/21/07	2.0	<i>redacted</i>
6/26/07	2.0	<i>redacted</i>
6/29/07	2.0	<i>redacted</i>
7/5/07	2.0	<i>redacted</i>
7/6/07	2.0	<i>redacted</i>
7/9/07	2.0	<i>redacted</i>
7/16/07	2.0	<i>redacted</i>
7/23/07	2.0	<i>redacted</i>
7/27/07	2.0	<i>redacted</i>

Attorney-Client Privilege  
 Work Product Doctrine

Re: MDCOV0001-01

Month/Year	Hours	Task
7/30/07	N/C	Final draft of discrepancy report with supporting documents.
8/13/07	N/C	Telephone G. Besaw. Request school board contracts. He faxes them.
9/25/07	2.0	Meet K. Clark at Littleton, NH Police Department. Submit final discrepancy report and supporting documents to K. Clark. Discuss report and documents.
Ongoing	85.0+ @ \$40/hr N/C	\$3,400+ Administration, binding, copying.
	30.0+ @ \$200/hr N/C	\$6,000+ Travel time.
	15.5+ @ \$200/hr N/C	\$3,100+ Communication with <i>redacted</i> (CNB)
	20.0+ @ \$200/hr N/C	\$4,000+ Communication and updates with W. Davies, M. Marcotte, K. Clark
	40 mi. RT Atkinson, NH - Exeter, NH-Atkinson, NH @ \$.50/mi	
	34 trips N/C	\$680

Total Fees 204 hours at \$200 per hour = \$40,800.00

N/C Fees and Expenses (as listed) = \$17,180+

Total Fees *redacted* Anne Marie Mooney

**London, Sarah**

---

**From:** Treadwell, John  
**Sent:** Tuesday, March 28, 2017 1:33 PM  
**To:** London, Sarah  
**Cc:** Chen, Zachary  
**Subject:** FW: VTDigger: requesting Vaughn Index

FYI

---

**From:** Treadwell, John  
**Sent:** Tuesday, March 28, 2017 10:29 AM  
**To:** 'Anne Galloway' <agalloway@vtdigger.org>  
**Cc:** Dan Schwartz <daniel.james.schwartz@gmail.com>  
**Subject:** RE: VTDigger: requesting Vaughn Index

Anne and Dan,

AAG Zachary Chen's March 6, 2017, response to your February 21, 2017, clearly indicates that if you consider the response a denial of your request for public records you may appeal that decision. The letter provides the information required under 1 V.S.A. § 318(a)(2) regarding such an appeal and to whom such an appeal should be directed.

John

**From:** Anne Galloway [<mailto:agalloway@vtdigger.org>]  
**Sent:** Monday, March 27, 2017 4:33 PM  
**To:** Treadwell, John  
**Cc:** Dan Schwartz  
**Subject:** Re: VTDigger: requesting Vaughn Index

Hi John,

Under the Vermont Public Records Act, you are required to provide a description of what was withheld.

Please do so.

Thanks,

Anne Galloway

On Mon, Mar 27, 2017 at 4:30 PM, Treadwell, John <[john.treadwell@vermont.gov](mailto:john.treadwell@vermont.gov)> wrote:

Hi Dan,

I have reviewed the PRA response that was sent to you by AAG Zachary Chen on March 6, 2017. 1 V.S.A. § 318(a)(2) does not require a Vaughn Index. I respectfully decline to prepare and provide one to you.

John

John Treadwell

Assistant Attorney General

Vermont Attorney General's Office

109 State Street

Montpelier, VT 05609

tel: 802-828-5512

fax: 802-828-2154

e-mail: john.treadwell@vermont.gov

**Please note my new email address.**

**PRIVILEGED & CONFIDENTIAL COMMUNICATION:** This E-mail may contain sensitive law enforcement and/or privileged information. DO NOT read, copy or disseminate this communication unless you are the intended addressee. This communication may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Any unauthorized copying, disclosure or distribution of the material or taking of any action in reliance on the contents of the electronically transmitted materials is prohibited. If you have received this communication in error, please call us (collect) immediately at (802) 828-5512 and ask to speak to the sender of the communication. Also, please notify immediately via e-mail the sender that you have received the communication in error.

**From:** Dan Schwartz [mailto:daniel.james.schwartz@gmail.com]

**Sent:** Friday, March 24, 2017 12:17 PM

**To:** Treadwell, John <john.treadwell@vermont.gov>

**Cc:** Anne Galloway <AGALLOWAY@vtdigger.org>

**Subject:** VTDigger: requesting Vaughn Index

Hi, John.

On March 7, your office delivered documents to The Vermont Digger in response to a public records request that I had emailed you on Feb. 21 regarding Cynthia Diaz.

The documents, however, are substantially redacted. Please provide me a Vaughn Index, citing a reason for each and every redaction contained within the 66-page stack of public documents.

Should you have any questions, feel free to call me on my cell phone: 774-644-2207.

Thank you.

- Dan Schwartz

VTDigger, freelance reporter

774-644-2207

--  
Anne Galloway  
Editor, VTDigger.org  
Executive Director, Vermont Journalism Trust  
97 State St., Montpelier, VT 05602  
cell 802-595-9159  
@GallowayVTD  
<http://vtdigger.org>



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## London, Sarah

---

**From:** Treadwell, John  
**Sent:** Monday, March 27, 2017 4:35 PM  
**To:** London, Sarah  
**Subject:** FW: VTDigger: requesting Vaughn Index

FYI

**From:** Anne Galloway [mailto:agalloway@vtdigger.org]  
**Sent:** Monday, March 27, 2017 4:33 PM  
**To:** Treadwell, John <john.treadwell@vermont.gov>  
**Cc:** Dan Schwartz <daniel.james.schwartz@gmail.com>  
**Subject:** Re: VTDigger: requesting Vaughn Index

Hi John,  
Under the Vermont Public Records Act, you are required to provide a description of what was withheld.  
Please do so.  
Thanks,  
Anne Galloway

On Mon, Mar 27, 2017 at 4:30 PM, Treadwell, John <[john.treadwell@vermont.gov](mailto:john.treadwell@vermont.gov)> wrote:

Hi Dan,

I have reviewed the PRA response that was sent to you by AAG Zachary Chen on March 6, 2017. 1 V.S.A. § 318(a)(2) does not require a Vaughn Index. I respectfully decline to prepare and provide one to you.

John

John Treadwell

Assistant Attorney General

Vermont Attorney General's Office

109 State Street

Montpelier, VT 05609

tel: 802-828-5512

fax: 802-828-2154

e-mail: john.treadwell@vermont.gov

**Please note my new email address.**

**PRIVILEGED & CONFIDENTIAL COMMUNICATION:** This E-mail may contain sensitive law enforcement and/or privileged information. DO NOT read, copy or disseminate this communication unless you are the intended addressee. This communication may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Any unauthorized copying, disclosure or distribution of the material or taking of any action in reliance on the contents of the electronically transmitted materials is prohibited. If you have received this communication in error, please call us (collect) immediately at (802) 828-5512 and ask to speak to the sender of the communication. Also, please notify immediately via e-mail the sender that you have received the communication in error.

**From:** Dan Schwartz [mailto:daniel.james.schwartz@gmail.com]  
**Sent:** Friday, March 24, 2017 12:17 PM  
**To:** Treadwell, John <john.treadwell@vermont.gov>  
**Cc:** Anne Galloway <AGALLOWAY@vtdigger.org>  
**Subject:** VTDigger: requesting Vaughn Index

Hi, John.

On March 7, your office delivered documents to The Vermont Digger in response to a public records request that I had emailed you on Feb. 21 regarding Cynthia Diaz.

The documents, however, are substantially redacted. Please provide me a Vaughn Index, citing a reason for each and every redaction contained within the 66-page stack of public documents.

Should you have any questions, feel free to call me on my cell phone: 774-644-2207.

Thank you.

- Dan Schwartz

VTDigger, freelance reporter

774-644-2207

--  
Anne Galloway  
Editor, VTDigger.org  
Executive Director, Vermont Journalism Trust  
97 State St., Montpelier, VT 05602  
cell 802-595-9159  
@GallowayVTD  
<http://vtdigger.org>



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## London, Sarah

---

**From:** Duggan, Jen  
**Sent:** Wednesday, March 22, 2017 7:07 PM  
**To:** London, Sarah  
**Subject:** FW: Black Gum Swamp Record Request Appeal  
**Attachments:** 2017\_03\_22\_FINAL\_Response to VNRC PRA Appeal.pdf; 22 \_REDACTED\_Hannah.Smith@vermont.gov\_01.25.2017\_RE Vernon Black Gum Swamp\_Redacted.pdf; 23\_REDACTED(1)\_Hannah.Smith@vermont.gov\_01.25.2017\_RE VWR Letter to LCAR-black Gum Swamp\_Redacted.pdf; 26 \_REDACTED\_Laura.Lapierre@vermont.gov\_01.25.2017\_FW Vernon Black Gum Swamp\_Redacted.pdf; 28\_ATTACHMENT REDACTED\_Matt.Chapman@vermont.gov\_11.29.2016\_MeetingResponsivenessSummary\_11\_29.docx.pdf; 29 \_MeetingResponsivenessSummary slm edits.docx; 1\_REDACTED\_20160630\_Borg, Mary\_FW legal review\_Redacted.pdf; 2\_REDACTED\_20160727\_Smith, Hannah\_RE Class I appendix\_Redacted.pdf; 4\_ATTACHMENT REDACTED(1)\_Smith, Hannah\_FW WSMD\_VermontWetlandRules\_2016\_Rule revisions\_(Redacted).pdf; 6\_REDACTED\_20160829\_Lapierre, Laura\_RE signing\_001\_Redacted.pdf; 7\_REDACTED\_20160829\_Lapierre, Laura\_RE signing.pdf; 9\_REDACTED\_20161129\_Smith, Hannah\_FW meeting today\_Redacted.pdf; 10\_REDACTED\_20161129\_Smith, Hannah\_RE meeting today\_Redacted.pdf; 14\_REDACTED\_20170124\_Smith, Hannah\_RE Black Gum Swamp-Town of Vernon\_001\_Redacted.pdf

Hi Sarah:

Here is the final response. Thank you for your assistance!

Best,

Jen

---

**From:** Duggan, Jen  
**Sent:** Wednesday, March 22, 2017 6:57 PM  
**To:** 'Jon Groveman' <jgroveman@vnrc.org>  
**Cc:** Moore, Julie <Julie.Moore@vermont.gov>; Percival, Penny <Penny.Percival@vermont.gov>  
**Subject:** RE: Black Gum Swamp Record Request Appeal

Hi Jon:

Please see attached response from Secretary Moore. The Secretary is partially granting your appeal, and the Agency is producing the attached records and redacted portions of withheld records. Because the remaining withheld documents are exempt from disclosure under the Public Records Act, your appeal is partially denied. Under 1 V.S.A. § 319, you may seek judicial review of this determination from the Civil Division of the Vermont Superior Court.

If you have any questions, please don't hesitate to contact me.

Best,

Jen



**Jen Duggan, ANR General Counsel**

[phone] 802-461-5309

[email] [jen.duggan@vermont.gov](mailto:jen.duggan@vermont.gov)

**Agency of Natural Resources**

Secretary's Office

1 National Life Drive, Davis 2

Montpelier, VT 05620-3901

*To preserve, enhance, restore, and conserve Vermont's natural resources, and protect human health for the benefit of this and future generations.*

**From:** Jon Groveman [<mailto:igroveman@vnrc.org>]

**Sent:** Tuesday, March 14, 2017 1:40 PM

**To:** Moore, Julie <[Julie.Moore@vermont.gov](mailto:Julie.Moore@vermont.gov)>

**Cc:** Duggan, Jen <[Jen.Duggan@vermont.gov](mailto:Jen.Duggan@vermont.gov)>

**Subject:** Black Gum Swamp Record Request Appeal

Secretary Moore:

Please find attached the Vermont Natural Resources Council (VNRC) appeal of the Department of Environmental Conservation's (DEC) denial of VNRC's record request related to the Black Gum Swamp Class I Wetland designation.

Sincerely,

Jon Groveman

VNRC Policy and Water Program Director

802-249-7736 (Mobile)

802-223-2328 x-111 (Office)

1 National Life Drive  
Davis 2  
Montpelier, VT 05620-3901

Tel: (802) 828-1294  
Fax: (802) 828-1250

www.anr.vermont.gov



Julia S. Moore, P.E.  
Agency Secretary

Peter W. Walke  
Deputy Secretary

State of Vermont  
Agency of Natural Resources

March 22, 2017

Jon Groveman  
Policy and Water Program Director  
Vermont Natural Resources Council  
9 Bailey Ave  
Montpelier, VT 05602  
jgroveman@vnrc.org

Re: *Request under the Vermont Public Records Act*

Dear Mr. Groveman:

This is a determination, pursuant to 1 V.S.A. § 318(a)(3), of your administrative appeal dated March 14, 2017,<sup>1</sup> from the denial of a public records request you previously made to this Office.

Your initial request was made on January 31, 2017. You requested “[a]ny and all documents pertaining to the Agency of Natural Resources (ANR)/Department of Environmental Conservation (DEC) proposal to designate the Black Gum Swamp Wetland in Vernion from Class II to Class I wetland from January 1, 2016 to date. This request includes documents related to the ANR/DEC decision to withdraw the Black Gum Swamp from the proposed amendments to the Vermont Wetland Rules that were approved by the Interagency Committee on Administrative Rules (ICAR) on September 13, 2016.” The Watershed Management Division responded to your records request on February 6, 2017 by providing responsive records and notifying you that approximately 48 records were withheld because the records were exempt from disclosure pursuant to 1 V.S.A. § 317. In response to your request for additional information about the withheld records, the Office of General Counsel provided a description of the records withheld and the basis for the exemption on February 7, 2017 and February 15, 2017. Specifically, the Office of General Counsel produced additional documents and provided the following description about the 33 withheld documents:

- 7 emails regarding the rulemaking, including ICAR and LCAR filings
- 5 pre-rulemaking drafts of the Vermont Wetlands Rule with attorney mark-up
- 1 legal review of the Black Gum Class I Determination

<sup>1</sup> Because State of Vermont offices were closed the afternoon of March 14, 2017 due to a weather event, the Agency of Natural Resources received your appeal on March 15, 2017.

- 6 documents related to attorney review of the Response Summary for Revisions to the Vermont Wetland Rules
- 1 memo to the Secretary about the rulemaking generally
- 13 emails regarding issues raised by Vernon

The Office of General Counsel stated that records were withheld on the basis of the attorney-client privilege pursuant to 1 V.S.A. § 317(c)(3) and (4) and noted that all records withheld involved internal Agency communications only and did not include communications with the Governor's Office or any outside entity.

In your appeal letter, you claim that the Agency has not met its burden under 1 V.S.A. § 318(a)(2) because the Agency did not sufficiently "identify the records withheld and the basis for denial." Specifically, you assert that the Agency's "broad declaration that 33 documents exist and the attorney-client privilege applies" is insufficient for the Vermont Natural Resources Council to determine whether the documents were properly withheld.

I have reviewed your appeal letter, the documents in our files that are responsive to your records request, and the Agency's description of the records withheld. Your appeal is partially granted, and the Agency is producing additional records and redacted portions of withheld records concurrent with this response. To the extent that the Agency has exercised its discretion to produce records subject to the attorney-client privilege, any waiver of the privilege and the Public Records Act exemption applies only for those documents released. Because the remaining withheld documents are exempt from disclosure under the Public Records Act, your appeal is partially denied.

With respect to the partial denial of your appeal, I have determined that the documents withheld are exempt from disclosure. First, the responsive documents are exempt from public inspection and copying under 1 V.S.A. § 317(c)(4) because they are covered by the attorney-client privilege. Subsection (c)(4) exempts records which, if disclosed, "would cause the custodian to violate any statutory or common law privilege other than the common law deliberative process privilege as it applies to the General Assembly and the Executive Branch agencies of the State of Vermont." The Vermont Supreme Court has recognized a common law privilege for attorney-client communications. "As codified in Vermont Rule of Evidence 502(b), 'a client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client between himself or his representative and his lawyer or his lawyer's representative.'" *232511 Investments, Ltd. V. Town of Stowe Dev. Review Bd.*, No. 2005-403, 2006 WL 5868424, at \*1 (Vt. Feb. 2006) (unpub. 3-justice mem.)(quoting V.R.E. 502(b), alterations omitted). The Rule defines the term "client" to include public entities represented by government lawyers. *Id.* Here, the responsive records are privileged because they are communications between Agency employees and Agency lawyers for the purpose of facilitating legal services to the client. Specifically, the privileged records are:

- 7 email records regarding the rulemaking among and between Matt Chapman and/or Hannah Smith and Agency staff (Laura LaPierre, Penny Percival);

- 5 pre-rulemaking drafts of the Vermont Wetlands Rule with attorney mark-up by Matt Chapman and Hannah Smith, including cover emails among and between Matt Chapman, Hannah Smith, Jen Duggan, and/or Elizabeth Schilling and Agency staff (Mary Borg, Laura LaPierre);
- 1 email record from Agency staff (Mary Borg, Laura LaPierre) to Matt Chapman seeking legal review of the Black Gum Class I Determination;
- 5 draft documents of the Response Summary for Revisions to the Vermont Wetland Rules with attorney mark-up by Matt Chapman and Hannah Smith, including cover emails among and between Matt Chapman and/or Hannah Smith and Agency staff (Laura LaPierre);
- 1 memo from Hannah Smith to the Secretary (Deb Markowitz) about the rulemaking generally; and
- 13 email records regarding issues raised by the Town of Vernon among and between Matt Chapman, Hannah Smith, and/or Elizabeth Schilling and Agency staff (Pete LaFlamme, Mary Borg, Laura LaPierre)

Second, the responsive documents are also exempt from public inspection and copying under 1 V.S.A. § 317(c)(3) because disclosure would violate the ethical and professional obligations of the Agency's attorneys. Subsection (c)(3) exempts records which, if disclosed, "would cause the custodian to violate duly adopted standards of ethics or conduct for any profession regulated by the State." Rule 1.6 of the Vermont Rules of Professional Conduct provides that "[a] lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent." As discussed above, the responsive records are confidential and privileged communications to facilitate the Agency Office of General Counsel's provision of legal service to the Agency. Accordingly, disclosure would violate Rule 1.6 and the documents therefore are exempt under 1 V.S.A. § 317(c)(3).

Further, the information contained in this letter, in addition to the information the Agency has already provided you, fulfill the Agency's obligation to provide "the asserted statutory basis for denial and a *brief* statement of the reasons and supporting facts for denial." 1 V.S.A. § 318(a)(2) (emphasis added). There is no legal requirement to provide an index of withheld records at the administrative level. *See* 1 V.S.A. § 318(a)(2); *see also e.g., Browning v. State*, No. 272-5-14, 2014 WL 10321350 \*4 (Vt. Dec. 2014) (upholding sufficiency of State's index in Superior Court where no index was provided at administrative level). Courts make a case-by-case determination to determine what level of specificity is required to evaluate an Agency's determination that specific records are exempt from disclosure under the Public Records Act. "No Vermont authority requires an agency to spell out an asserted basis for nondisclosure in an index when doing so is not helpful" even at the trial court level. *Id. (citing Rutland Herald v. Vermont State Police*, 2012 VT 24, ¶ 10 n.2 (2012)).

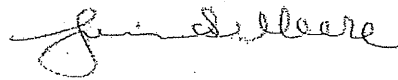
Here, the Agency has more than met its obligation to describe the withheld records and the Agency's basis for withholding them. You now have an itemized list of the records withheld, the identity of Agency staff involved in the records at issue, a description of the content of the records, and the specific basis for the exemption (i.e., attorney-client privilege pursuant to 1



V.S.A. § 317(c)(3) and (c)(4)). The information the Agency provided is sufficient for purposes of 1 V.S.A. § 318(a)(2).

For the reasons set forth above, your appeal is partially granted and partially denied. Under 1 V.S.A. § 319, you may seek judicial review of this determination from the Civil Division of the Vermont Superior Court.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julia S. Moore".

Julia S. Moore, P.E.  
Secretary

CC: Jen Duggan  
General Counsel

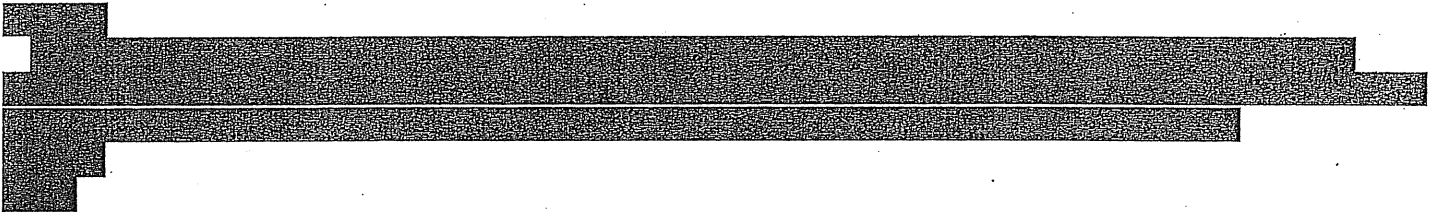
From: Borg, Mary  
Sent: Thursday, June 30, 2016 10:58 AM  
To: Chapman, Matt  
Cc: Lapierre, Laura  
Subject: FW: legal review  
Attachments: BlackGumSwamp\_Class I Wetland Determination.docx

Hi Matt. Can you please assign an attorney to review this. Thanks!

Mary

---

From: Lapierre, Laura  
Sent: Wednesday, June 29, 2016 4:03 PM  
To: Borg, Mary <Mary.Borg@vermont.gov>  
Cc: Chapman, Matt <Matt.Chapman@vermont.gov>  
Subject: legal review



**From:** Smith, Hannah  
**Sent:** Tuesday, November 29, 2016 11:35 AM  
**To:** Lapierre, Laura  
**Subject:** RE: meeting today  
**Attachments:** MeetingResponsivenessSummary\_11\_29.docx; CWD\_Response\_clean v.2.docx

[REDACTED]

[REDACTED]

**From:** Lapierre, Laura  
**Sent:** Tuesday, November 29, 2016 10:52 AM  
**To:** Smith, Hannah <Hannah.Smith@vermont.gov>  
**Subject:** RE: meeting today

Sounds fine.

L

**From:** Smith, Hannah  
**Sent:** Tuesday, November 29, 2016 10:50 AM  
**To:** Lapierre, Laura <Laura.Lapierre@vermont.gov>  
**Subject:** meeting today

Hi Laura,

I am still finishing up my edits to the response summary, I am going to keep working and head over to your desk as soon as I am done.



Department of Environmental Conservation

*Hannah L. Smith, Esq.*  
*Associate General Counsel*  
*Office of General Counsel*  
*Vermont Dept. of Environmental Conservation*  
*One National Life Drive – Davis 2*  
*Montpelier, VT 05620-3802*  
*802.461.8187 / [hannah.smith@vermont.gov](mailto:hannah.smith@vermont.gov)*

**From:** Smith, Hannah  
**Sent:** Wednesday, January 25, 2017 1:56 PM  
**To:** Lapierre, Laura  
**Cc:** LaFlamme, Pete; Borg, Mary; Chapman, Matt  
**Subject:** RE: Vernon Black Gum Swamp  
**Importance:** High

[Redacted]

Hannah

**From:** Lapierre, Laura  
**Sent:** Wednesday, January 25, 2017 11:15 AM  
**To:** Smith, Hannah <[Hannah.Smith@vermont.gov](mailto:Hannah.Smith@vermont.gov)>  
**Subject:** RE: Vernon Black Gum Swamp


OK. Pete wants us to get back to him by 1pm, so please call when you get out. (I'm still at home)  
Laura

**From:** Smith, Hannah  
**Sent:** Wednesday, January 25, 2017 10:53 AM  
**To:** Lapierre, Laura <[Laura.Lapierre@vermont.gov](mailto:Laura.Lapierre@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>  
**Subject:** RE: Vernon Black Gum Swamp

Hi Laura,  
I have a meeting until noon, but I am available any time after that to chat.

**From:** Lapierre, Laura  
**Sent:** Wednesday, January 25, 2017 10:51 AM  
**To:** Smith, Hannah <[Hannah.Smith@vermont.gov](mailto:Hannah.Smith@vermont.gov)>; LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>  
**Subject:** FW: Vernon Black Gum Swamp

[Redacted]



---

**From:** Michelle L. Pong [<mailto:vernonta@vernonvt.org>]

**Sent:** Wednesday, January 25, 2017 10:23 AM

**To:** Lapierre, Laura <[Laura.Lapierre@vermont.gov](mailto:Laura.Lapierre@vermont.gov)>

**Cc:** Dindo, Charlene <[charlene@leg.state.vt.us](mailto:charlene@leg.state.vt.us)>

**Subject:** Vernon Black Gum Swamp

Hello Laura,

I hope you are safe after last night's crazy weather. Everything is covered in ice down here.

I've attached the Selectboard's letter and a letter from a local forester in hopes that the Wetland Program will consider decreasing the buffer zone around the Black Gum Swamp to 100 ft. Since this has been a past practice I hope that this is not unreasonable and that we can work together to make sure the area is protected.

Thank you for your consideration. I look forward to working with you.

Michelle L. Pong  
Town Administrator  
Vernon, Vermont  
802-257-0292 ext. 12

**From:** Smith, Hannah  
**Sent:** Wednesday, July 27, 2016 3:07 PM  
**To:** Lapierre, Laura  
**Subject:** RE: Class I appendix

Thanks Laura!

---

**From:** Lapierre, Laura  
**Sent:** Wednesday, July 27, 2016 2:46 PM  
**To:** Smith, Hannah <Hannah.Smith@vermont.gov>  
**Subject:** Class I appendix

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

**From:** Smith, Hannah  
**Sent:** Tuesday, January 24, 2017 1:01 PM  
**To:** Lapierre, Laura  
**Subject:** RE: Black Gum Swamp- Town of Vernon

Ah, got it, that's why Zapata set up the skype meeting. Okay, sounds good.

---

**From:** Lapierre, Laura  
**Sent:** Tuesday, January 24, 2017 1:00 PM  
**To:** Smith, Hannah <Hannah.Smith@vermont.gov>  
**Subject:** RE: Black Gum Swamp- Town of Vernon

OK. I am home sick today again. So we will have to talk by phone.  
Laura

---

**From:** Smith, Hannah  
**Sent:** Tuesday, January 24, 2017 12:59 PM  
**To:** Lapierre, Laura <Laura.Lapierre@vermont.gov>  
**Subject:** RE: Black Gum Swamp- Town of Vernon

---

**From:** Lapierre, Laura  
**Sent:** Monday, January 23, 2017 5:57 PM  
**To:** Smith, Hannah <Hannah.Smith@vermont.gov>  
**Subject:** RE: Black Gum Swamp- Town of Vernon

Thanks. Just sent it. Have a good evening. L

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Smith, Hannah"  
**Date:** 01/23/2017 5:38 PM (GMT-05:00)  
**To:** "Lapierre, Laura"  
**Subject:** Black Gum Swamp- Town of Vernon

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Department of Environmental Conservation

*Hannah L. Smith, Esq.*  
*Associate General Counsel*  
*Office of General Counsel*  
*Vermont Dept. of Environmental Conservation*  
*One National Life Drive – Davis 2*  
*Montpelier, VT 05620-3802*  
*802.461.8187 / [hannah.smith@vermont.gov](mailto:hannah.smith@vermont.gov)*



From: Smith, Hannah  
Sent: Wednesday, January 25, 2017 4:55 PM  
To: Schilling, Elizabeth  
Subject: RE: VWR Letter to LCAR-black Gum Swamp

Thank you!

---

From: Schilling, Elizabeth  
Sent: Wednesday, January 25, 2017 4:34 PM  
To: Smith, Hannah <[Hannah.Smith@vermont.gov](mailto:Hannah.Smith@vermont.gov)>  
Subject: RE: VWR Letter to LCAR-black Gum Swamp

---

From: Smith, Hannah  
Sent: Wednesday, January 25, 2017 4:22 PM  
To: Lapierre, Laura <[Laura.Lapierre@vermont.gov](mailto:Laura.Lapierre@vermont.gov)>  
Cc: LaFlamme, Pete <[Pete.LaFlamme@vermont.gov](mailto:Pete.LaFlamme@vermont.gov)>; Chapman, Matt <[Matt.Chapman@vermont.gov](mailto:Matt.Chapman@vermont.gov)>; Schilling, Elizabeth <[Elizabeth.Schilling@vermont.gov](mailto:Elizabeth.Schilling@vermont.gov)>  
Subject: VWR Letter to LCAR-black Gum Swamp



Department of Environmental Conservation

*Hannah L. Smith, Esq.  
Associate General Counsel  
Office of General Counsel  
Vermont Dept. of Environmental Conservation  
One National Life Drive – Davis 2  
Montpelier, VT 05620-3802  
802.461.8187 / [hannah.smith@vermont.gov](mailto:hannah.smith@vermont.gov)*

**From:** Smith, Hannah  
**Sent:** Monday, August 01, 2016 5:05 PM  
**To:** Lapierre, Laura  
**Subject:** FW: WSMD\_VermontWetlandRules\_2016\_Rule revisions\_(HS and LL).docx  
**Attachments:** WSMD\_VermontWetlandRules\_2016\_Rule.revisions\_(HS and LL).docx

**Follow Up Flag:** Follow Up  
**Due By:** Tuesday, August 02, 2016 6:57 AM  
**Flag Status:** Flagged



**From:** Chapman, Matt  
**Sent:** Monday, August 01, 2016 10:14 AM  
**To:** Smith, Hannah <Hannah.Smith@vermont.gov>  
**Cc:** McDonald, Elizabeth <Elizabeth.McDonald@vermont.gov>  
**Subject:** WSMD\_VermontWetlandRules\_2016\_Rule revisions\_(HS and LL).docx

My comments attached. Happy to discuss.

**From:** Lapierre, Laura  
**Sent:** Wednesday, January 25, 2017 10:51 AM  
**To:** Smith, Hannah; LaFlamme, Pete  
**Subject:** FW: Vernon Black Gum Swamp  
**Attachments:** Vernon Black Gum Buffer.pdf

[Redacted]

[Redacted]

**From:** Michelle L. Pong [<mailto:vernonta@vernonvt.org>]  
**Sent:** Wednesday, January 25, 2017 10:23 AM  
**To:** Lapierre, Laura <[Laura.Lapierre@vermont.gov](mailto:Laura.Lapierre@vermont.gov)>  
**Cc:** Dindo, Charlene <[charlene@leg.state.vt.us](mailto:charlene@leg.state.vt.us)>  
**Subject:** Vernon Black Gum Swamp

Hello Laura,

I hope you are safe after last night's crazy weather. Everything is covered in ice down here.

I've attached the Selectboard's letter and a letter from a local forester in hopes that the Wetland Program will consider decreasing the buffer zone around the Black Gum Swamp to 100 ft. Since this has been a past practice. I hope that this is not unreasonable and that we can work together to make sure the area is protected.

Thank you for your consideration. I look forward to working with you.

Michelle L. Pong  
Town Administrator  
Vernon, Vermont  
802-257-0292 ext. 12

**From:** Lapierre, Laura  
**Sent:** Monday, August 29, 2016 4:26 PM  
**To:** Smith, Hannah  
**Subject:** RE: signing

OK. I will take a look.

---

**From:** Smith, Hannah  
**Sent:** Monday, August 29, 2016 4:22 PM  
**To:** Lapierre, Laura <Laura.Lapierre@vermont.gov>  
**Subject:** RE: signing

Ok, I fixed all the formatting (yay!!!) in the ANNOTATED rule doc and closed it, if you have time to look it over. I am now going through and fixing the formatting in the CLEAN doc.

---

**From:** Lapierre, Laura  
**Sent:** Monday, August 29, 2016 10:19 AM  
**To:** Smith, Hannah <Hannah.Smith@vermont.gov>  
**Subject:** RE: signing

[REDACTED]

---

**From:** Smith, Hannah  
**Sent:** Monday, August 29, 2016 10:16 AM  
**To:** Lapierre, Laura <Laura.Lapierre@vermont.gov>  
**Subject:** RE: signing

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

---

**From:** Lapierre, Laura  
**Sent:** Monday, August 29, 2016 9:56 AM  
**To:** Smith, Hannah <Hannah.Smith@vermont.gov>  
**Subject:** signing

Hi Hannah,  
Were you able to get Deb to sign this morning? Thanks.  
Laura

**From:** Chapman, Matt  
**Sent:** Tuesday, November 29, 2016 2:28 PM  
**To:** Smith, Hannah  
**Subject:** MeetingResponsivenessSummary\_11\_29.docx  
**Attachments:** MeetingResponsivenessSummary\_11\_29.docx

Modifications attached.

**From:** Lapierre, Laura  
**Sent:** Monday, August 29, 2016 5:13 PM  
**To:** Smith, Hannah  
**Subject:** RE: signing

My review:

I did not check the table of contents – as it is depended on your clean draft formatting.

Extra page after the front page (OK?)

The definition formatting is different from the original, but I like how you changed it.

Class I wetland definition bullet formatting. (I fixed)

[Redacted content]

---

**From:** Smith, Hannah  
**Sent:** Monday, August 29, 2016 4:22 PM  
**To:** Lapierre, Laura <Laura.Lapierre@vermont.gov>  
**Subject:** RE: signing

Ok, I fixed all the formatting (yay!!!) in the ANNOTATED rule doc and closed it, if you have time to look it over. I am now going through and fixing the formatting in the CLEAN doc.

---

**From:** Lapierre, Laura  
**Sent:** Monday, August 29, 2016 10:19 AM

To: Smith, Hannah <[Hannah.Smith@vermont.gov](mailto:Hannah.Smith@vermont.gov)>  
Subject: RE: signing

[Redacted]

From: Smith, Hannah  
Sent: Monday, August 29, 2016 10:16 AM  
To: Lapierre, Laura <[Laura.Lapierre@vermont.gov](mailto:Laura.Lapierre@vermont.gov)>  
Subject: RE: signing

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: Lapierre, Laura  
Sent: Monday, August 29, 2016 9:56 AM  
To: Smith, Hannah <[Hannah.Smith@vermont.gov](mailto:Hannah.Smith@vermont.gov)>  
Subject: signing

Hi Hannah,  
Were you able to get Deb to sign this morning? Thanks.  
Laura

**DRAFT: RESPONSE SUMMARY FOR  
REVISIONS TO THE VERMONT WETLAND RULES: STATUTORY UPDATES, PERMIT  
NOTICE PROCEDURAL CHANGES, AND ADDITION OF FOUR NEW CLASS I WETLANDS – DENNIS  
POND WETLANDS, BRUNSWICK; SANDBAR WETLANDS, COLCHESTER AND MILTON;  
CHICKERING FEN, CALAIS; AND BLACK GUM SWAMPS, VERNON**

The Vermont Department of Environmental Conservation (“Department” or “VT DEC”), in accordance with 10 V.S.A. § 905b(18) and the APA procedure, filed the proposed rule changes with the Secretary of State whom placed the Rules on notice for public comment on September 21, 2016 until November 3, 2016. Three public meetings were held by the Vermont Wetlands Program of VT DEC during the public comment period. The first meeting was held on October 24<sup>th</sup>, 2016 at 6:00pm at the Agency of Natural Resources Annex at 190 Junction Road, Berlin. In attendance was Rob Peterson of Vermont Forest, Parks and Recreation; Joe Duncan, Jim Fay, and Attorney Joslyn Wilscheck for Champlain Water District; Lynn McNamara and Rose Paul of The Nature Conservancy; Landowner Tony French; VT Fish and Wildlife John Gobeille; and Danielle Owczarski, Watershed Coordinator for the Lamoille Basin, VT DEC. The second meeting was held at the Vernon Town Hall at 567 Governor Hunt Road in Vernon at 6:00pm. In attendance in Vernon was Bill Guenther of VT Forest, Parks and Recreation; Bob Spencer, Vernon Planning Commission; Michelle Pong, Town Administrator; Mary Miller, Paul Miller, Nancy Durborow, Jeffery Durborow, Munson Hicks, Sandy Harris and Bronna Zlochiver. A third public meeting was held at the Silvio O. Conte Wildlife Refuge Visitor Center at 5396 Route 105 in Brunswick at 6:00pm. In attendance were Clyde P. Simmons, Duncan Simmons, Dave Simmons, and Bren Whittaker, on behalf of the Town of Brunswick. Oral comments were received at all three meetings and written comments were received throughout the comment period. Written comments were submitted by Wayne Dyer, Alan Quackenbush, Joe Duncan of the Champlain Water District, Bren Whittaker, representing himself, Matt Peters, Charles Baker of the Chittenden County Regional Planning Commission, Anthony Iarrapino, and Jon Groveman on behalf of VNRC and Lake Champlain International. The following language is a summary of comments received during the public comment period and the Department’s responses to those comments. Where appropriate, comments have been paraphrased, consolidated, and categorized for clarity.

**Class I General Comments:**

Comment 1: Will the proposed Class I status have any impact on land use rights and existing structure if 100-300ft buffer is adopted? Land owners worry about a “change to in lifestyle” with the classification change.

Response 1: Certain activities in Class I or II wetlands are exempt from the Vermont Wetland Rules, or are allowed without a permit provided they follow certain guidelines. This includes the repair and maintenance of existing structures, roadways or utility lines, low-impact recreation,

Commented [L11]: Or should this be agency, since Deb signed the papers?

Formatted: Highlight



including snowmobiling on VAST trails, maintaining lawns, and silviculture activities. This means that regular day-to-day activities around existing structures will still be allowed. For non-exempt or allowed uses within Class I wetlands, permits will only be granted to meet a compelling public need to protect public health or safety. Class I wetlands have larger buffers than Class II wetlands, which will increase the area of land under Vermont Wetland Rule jurisdiction. Activities within Class I buffer zones may be permitted without needing to be a compelling public need to protect public health or safety. As in Class II wetlands, Class I wetland permits will only be issued if the applicant demonstrates that the activity will cause no undue adverse impacts; however, activities in Class I wetlands are more likely to reduce their exceptional and irreplaceable functions and values, and adverse impacts are not compensable.

**Comment 2:** Are these Class I designations set in stone at this point?

**Response 2:** No. The designation will not be finalized unless the proposed Rule changes are adopted by the ~~Legeslative~~Legislative Committee of Administrative Rules (LCAR). The public meeting is to receive input from the public, and will be written into a response summary (this document), packaged in a filing to LCAR and reviewed by the Committee at a public hearing. The Committee may or may not make a final decision at the public hearing. The hearing will be scheduled after a rule package is filed with LCAR.

**Comment 3:** What is the major difference between Class II and Class I regulation?

**Response 3:** Permits for activities within Class I wetlands can only be granted if the activities purpose is to meet a compelling need to protect public health or safety.

**Comment 4:** The Nature Conservancy is in support of the reclassification proposals for the Chickering Fen and Dennis Pond Wetlands where the reclassification effects The Nature ~~Conservencies~~ Conservancy's properties.

**Response 4:** The Wetlands Program had first approached The Nature Conservancy about the proposed reclassification this past summer and makes note of the organization's support and interest in conserving significant wetlands.

**Comment 5:** Lake Champlain International and the Vermont Natural Resources Council enthusiastically support the well-supported determinations to reclassify four wetlands as Class I on its own motion.

**Response 5:** The DEC makes note of the organizations' support in the four reclassifications.

**Comment 6:** Lake Champlain International and the Vermont Natural Resources Council request that the proposed Vermont Wetland Rule section 7.2(b) be stricken from the proposed rules as it is unduly burdensome to require a petitioner to state "the circumstances prompting the petition"  
**Response:**

**Comment:** Commenter has found new occurrences of rare plant species at Chickering Fen and Dennis Pond Wetlands and intends to submit the records to the Natural Heritage Inventory over

Commented [MS2]: Because this is a proper name it doesn't get the "ies"

the winter and is checking in to see if the records would help bolster the Class I designation. Commenter also has updated mapping for Chickering Fen which he can share if helpful for the designation.

Response: The Wetlands Program is interested in learning about these additional species and populations to ensure their protection, and can wait until the winter because it has already been determined that the wetlands are significant for providing rare, threatened and endangered species habitat. The additional populations demonstrate that there is much still to learn about these irreplaceable wetlands which are in need of protection.

Comment: Bren Whittaker submitted written comments about the history of landownership of parts of the wetland, a suggestion that the Simmons serve as monitors of wetland condition, and the reroute of the Hydro Quebec Powerline by four miles to avoid crossing Dennis Pond.

Response: The Wetlands Program recognizes Mr. Whittaker's commitment as a steward of the Dennis Pond area and appreciates his role in protecting the wetlands. The Simmons are certainly welcome to provide the program with updates on the status of the wetlands.

**Dennis Pond Wetland Classification:**

Comment: Why will the buffer zone change from 50ft-300ft?

Response: The purpose of the buffer zone is to protect the functions which make the wetland significant. Unless otherwise designated a one hundred foot buffer is established around Class I wetlands. The Dennis Pond Wetlands are considered Class I based on their fragile peatlands and wildlife habitat. The peatlands or fens need a watershed which provides clean water, so the buffer zone was extended to include a good proportion of the wetland's watershed. Larger buffer zones are also good for protecting waterfowl nesting areas along wetland edges.

Comment: Has anyone from the State been out to the wetlands?

Response: *Yes. As indicated in the determination document, several Wetlands Program Staff visited the wetlands around Dennis Pond and Mud Pond in 2013.*

Comment: What is the acreage involved in the reclassification and is this on one tax bill or multi-owners?

Response: *The wetland area affected is around 240 acres and the buffer zone area is approximately 270 acres. The area spans multiple landownerships, including The Nature Conservancy, Vermont Fish and Wildlife, and the Simmons. The tax bill question would be best addressed by the Town selectboard.*

Comment: There were various concerns raised about the Town of Brunswick being able to access the wetlands from Rt 102 because of possible town plan to close roads.

Response: The Class I status of the wetland will not require the closure of any roads. Existing roads may be maintained.

Comment: Would the Simmons be able to expand their building footprint?

Commented [MS3]: What I heard in the meeting for Dennis Pond was that the Simmons were generally in support of the petition, but were concerned about what it meant for their land, which is the only privately owned parcel affected by the determination.

My response was to explain what was listed above and to volunteer to come out and answer any questions about allowed uses vs. permitted uses.

The way this is written up makes it sound really contentious, but it wasn't.

Commented [MS4]: I believe this is a Fish and Wildlife planned and is part of the Champlain Lands deal/agreement.

**Response:** If the footprint was proposed to expand within Class I wetland, you would not be able to obtain a wetlands permit because a personal camp does not qualify as a compelling public need for health or safety. An expansion of the building footprint could possibly receive a permit if the activity is found to not cause an undue adverse impact to the wetland's function. The Wetlands Program would be happy to review any proposals to determine if the activity is eligible for a permit.

**Comment:** Will the Town of Brunswick be notified of any permit or Classification decisions made?

**Response:** Yes. Towns are sent notice of any permit or wetland determination decision.

**Comment:** Dennis Pond is full of junk fish such as chubs and there are no Northern Pike. Brook Trout are present in the inlet to the Pond.

**Response:** The Wetlands Program agrees that there are no Northern Pike in Dennis Pond but still considers the wetland significant for providing habitat for the fish within the pond and associated waterways.

**Comment:** The yellow-eyed grass population near the inlet to Dennis Pond has apparently disappeared and coincides with some State Agency removing the constricted outlet. Writer would be happy to show someone the area that was wet and is now dry.

**Response:** The bridges at the outlet were replaced circa 2003-2004 and widened to accommodate natural stream processes. The water levels appear to have stabilized since the 2003 imagery. We will forward your comment to the Natural Heritage Inventory to review further. Regardless, the wetland is significant for providing Rare species habitat and permits will only be issued if there is no undue adverse impact to those plant populations. Aerial imagery indicates that beaver occasionally dam the outlet which allows for deeper water around the pond. The eb and flow of beaver activity is a natural process which is not regulated by the Wetlands Program and the natural change in hydrology is not considered adverse.

**Comment:** Wayne Dyer states "You can ask around but have no doubt that in 1999 or 2000 there was a Dept. of Environmental Conservation aluminum boat and motor on Dennis Pond. I am a retired VT state police detective and there is no doubt about what and who I saw. I was disgusted. The motor was down into the mud by at least a foot and was churning and churning. We watched and wondered aloud how many endangered species were getting damaged by these protectors of the environment. There were two men and a woman. We spoke to them when they got out of the water. We saw the boat up close. These three had shirts with state insignia in the left chest area."

**Response:** I have asked around the Department to see if I could learn more about this incident, and no one had any additional information. One individual from the Watershed Management Division's Lakes and Ponds Section has been sampling Dennis Pond for parameters such as phosphorus, acid, and vegetation since 1990 using a canoe. He reported that the pond level is mostly a half meter in depth and approaches up to 1 meter when water levels are high, so it is very unusual and I agree reckless of someone to attempt to use a motorboat there. If you ever see

anyone disturbing the wetland, I recommend you contact our enforcement division for an investigation at 802-828-1254.

#### Sandbar Wetland Reclassification

Comment: The Champlain Water District submitted written comments pertaining to their proposed redundant intake system proposal at their property within the northern extent of the proposed Class I wetland. Where they agree that the Sandbar wetlands deserve Class I status, and feel that the status would help protect the Lake's water quality, they are concerned that they may have to place their intake system elsewhere along the shore. They requested that the Vermont Wetland Rules be revised to exempt the Water District from needing a wetlands permit. It was explained that the District has been in conversations with Sandbar State Park to see if the intake could be located on State property within the wetlands less-sensitive buffer.

Response: The Wetlands Program has reviewed the materials provided at the meeting October 24th, and it has been determined that the project of creating a redundant lake water source intake is a compelling need for public health and safety. This means that the project, unlike many other project types, would be eligible for a wetlands permit through the Sandbar Wetlands if they are classified as Class I. In effect, the permitting process will be the same as if the wetland was Class II.

The forested section of the Champlain Water District (CWD) property is a mapped A-Rank Lakeside Floodplain Forest which is an uncommon exemplary wetland natural community. Any disturbance to the forest could have an adverse impact to the natural community. For this reason, the Wetlands Program has been directing the CWD to follow the mitigation sequencing by reviewing the possibility of finding an alternative site which meets their needs and goals. If there are no alternative sites, the Program will work with the CWD to construct in such a manner where impacts to the wetland are minimized and remaining adverse effects are compensated elsewhere within the Lakeside Floodplain Forest of Sandbar.

#### Chickering Fen Reclassification:

Comment: Tony French enjoys the function and value of the Chickering Fen and owns property to the north where there is a 300ft buffer zone shown to include his back field. He asks that the Wetlands Program reconsider the extent of the buffer zone on his parcel, but acknowledges that the land is likely within the wetlands watershed. He has no current plans to build in the back of the parcel and currently just brush-hogs the area from time to time. Mr. French also asked how the wetland mapping was produced.

Response: The mapping of Chickering Fen is based on mapping by Matt Peters, who conducted an inventory of Calais significant natural communities in 2015, and the Natural Heritage Inventory. The Class I mapping is slightly different than the Heritage mapping because it is meant to encompass the entire wetland and thus includes some small areas that are wetland, but not a mapped Natural Community.

The northern end of the Chickering Fen wetland is not an Intermediate Fen, but rather a tamarack swamp. Heritage tracks this area of swamp as Calcareous Red Maple-Tamarack Swamp, an S2 (rare) natural community (the same rarity as Intermediate Fen). ~~Thus~~ Thus, it is similar in conservation importance. ~~In particular~~ In particular, the presence of two rare wetland natural communities along with the transitional area between them results in a wetland ecosystem that is even more exemplary than either one would be on its own.

The canopy of nearly pure tamarack has a unique signature on leaf-off color infrared air photos – a pale grey splotchy texture, with a few pink trees that may be cedar or Balsam fir. Because the tamarack in this part of Vermont is almost entirely restricted to wetlands, the mapping of this wetland is particularly high confidence and error is expected to be negligible. It is very unlikely that upland areas are mapped within the boundaries of this wetland. However, the mapping is only for planning purposes. The actual extent of the wetland would need to be determined on the ground at the time an activity is proposed.

Also of note is that since these wetlands are so closely connected and at essentially the same elevation, damage to one will severely impact the other. If the tamarack swamp is impacted it will affect the open fen as well. The tamarack area drains into the fen, and any alterations of the water flow through the tamarack swamp will potentially damage the fen.

The buffer zone to the north was reviewed further. Based on topographical maps it is not possible to determine where the wetland's watershed boundary is because there is a broad low-gradient saddle there. Determining the extent of the watershed to the north may require survey-accuracy elevation data. Since there is no compelling reason to end the buffer zone before the 300 foot extent, the Program will keep the buffer as is. Regardless, maintaining the back field by occasional brush-hogging does not require a wetlands permit and other activities proposed in the future may be eligible to receive a permit.

~~Vernon-Black Gum Swamp-Comments~~

Commented [115]: Need to continue from here

Paul Miller- Trailhead goes by house. Main trail vs establishing a new snow mobile clubs.

Town plan recommendations- Gilford Halifax Rd. – Black Gum trail connections

LCAR- JAN  
Mass Wildlife management area

\*\*\*Comments from notes taken 25 Oct Public Meeting\*\*\*

Vernon Town Plan 2014-

*The community of plants in the Vernon Black Gum Swamp is fragile. Although the old gums still appear to be healthy and younger gums are growing nearby, many factors could destroy the swamps as we know them. Black Gums prefer warmer climates; several unusually cold winters could kill them. A strong wind storm can uproot their shallow root system. Careless logging, off road vehicles, or heavy hiker visitations could cause soil and organic matter to wash down into the swamp basins and suffocate the roots. Well-meaning visitors could kill the trees and other rare plants simply by trampling and compacting the soil.*

**Fragile Areas Policies:**

- 1) *The Town will protect and maintain Vernon's black gum swamps by preventing sudden environmental changes around the swamps and by limiting vehicle access to these natural areas.*
- 2) *The Town will encourage sound forest management practices on the J. Maynard Miller Town forestland which surrounds the Black Gum Swamp and shall prohibit any tree cutting within a 300-foot radius of the swamps.*

**Fragile Areas Recommendations:**

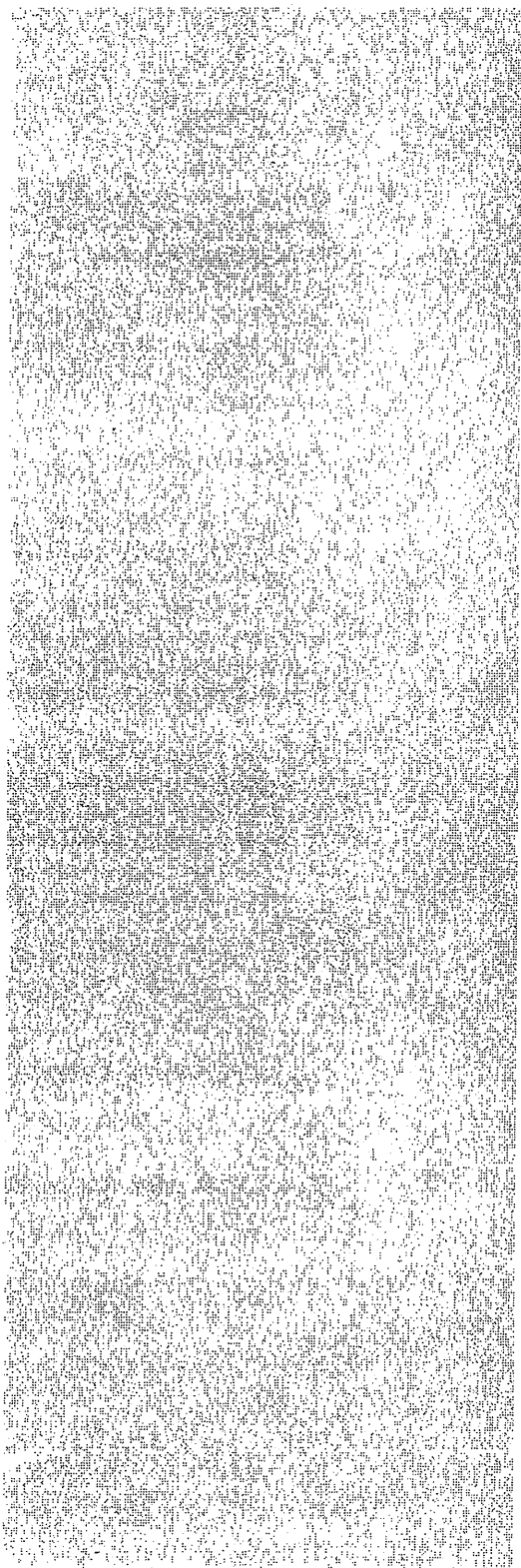
- 1) *The Vernon Municipal Forest Committee should coordinate with the Vermont Department of Forests, Parks and Recreation to develop a master plan for the protection of the Black Gum Swamp in conjunction with the forestry and recreational use of the J. Maynard Miller Town Forest.*
- 2) *Roads usable by four-wheel drive vehicles or dirt bikes should be closed at all forest entrances during both wet and dry seasons to help prevent soil erosion and possible fires.*

**Comments Regarding Stormwater Infrastructure:**

Tom

Charlie

Essex - add all names for written comments above.



**From:** Smith, Hannah  
**Sent:** Tuesday, November 29, 2016 1:01 PM  
**To:** Lapierre, Laura  
**Subject:** FW: meeting today  
**Attachments:** MeetingResponsivenessSummary\_11\_29\_FINAL.docx

MOST RECENT RESPONSIVENESS SUMMARY

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**From:** Smith, Hannah  
**Sent:** Tuesday, November 29, 2016 11:35 AM  
**To:** Lapierre, Laura <[Laura.Lapierre@vermont.gov](mailto:Laura.Lapierre@vermont.gov)>  
**Subject:** RE: meeting today

[REDACTED]

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**From:** Lapierre, Laura  
**Sent:** Tuesday, November 29, 2016 10:52 AM  
**To:** Smith, Hannah <[Hannah.Smith@vermont.gov](mailto:Hannah.Smith@vermont.gov)>  
**Subject:** RE: meeting today

Sounds fine.

L

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**From:** Smith, Hannah  
**Sent:** Tuesday, November 29, 2016 10:50 AM  
**To:** Lapierre, Laura <[Laura.Lapierre@vermont.gov](mailto:Laura.Lapierre@vermont.gov)>  
**Subject:** meeting today

Hi Laura,

I am still finishing up my edits to the response summary, I am going to keep working and head over to your desk as soon as I am done.



Department of Environmental Conservation

*Hannah L. Smith, Esq.*  
*Associate General Counsel*  
*Office of General Counsel*  
*Vermont Dept. of Environmental Conservation*  
*One National Life Drive – Davis 2*  
*Montpelier, VT 05620-3802*  
*802.461.8187 / [hannah.smith@vermont.gov](mailto:hannah.smith@vermont.gov)*



**From:** Smith, Hannah  
**Sent:** Tuesday, November 29, 2016 1:01 PM  
**To:** Lapierre, Laura  
**Subject:** FW: meeting today  
**Attachments:** MeetingResponsivenessSummary\_11\_29\_FINAL.docx

MOST RECENT RESPONSIVENESS SUMMARY

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**Sent:** Tuesday, November 29, 2016 11:35 AM  
**To:** Lapierre, Laura <[Laura.Lapierre@vermont.gov](mailto:Laura.Lapierre@vermont.gov)>  
**Subject:** RE: meeting today

[REDACTED]

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**From:** Lapierre, Laura  
**Sent:** Tuesday, November 29, 2016 10:52 AM  
**To:** Smith, Hannah <[Hannah.Smith@vermont.gov](mailto:Hannah.Smith@vermont.gov)>  
**Subject:** RE: meeting today

Sounds fine.

L

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**From:** Smith, Hannah  
**Sent:** Tuesday, November 29, 2016 10:50 AM  
**To:** Lapierre, Laura <[Laura.Lapierre@vermont.gov](mailto:Laura.Lapierre@vermont.gov)>  
**Subject:** meeting today

Hi Laura,

I am still finishing up my edits to the response summary, I am going to keep working and head over to your desk as soon as I am done.

 VERMONT  
Department of Environmental Conservation

*Hannah L. Smith, Esq.*  
*Associate General Counsel*  
*Office of General Counsel*  
*Vermont Dept. of Environmental Conservation*  
*One National Life Drive – Davis 2*  
*Montpelier, VT 05620-3802*  
*802.461.8187 / [hannah.smith@vermont.gov](mailto:hannah.smith@vermont.gov)*

## London, Sarah

---

**From:** London, Sarah  
**Sent:** Wednesday, March 22, 2017 4:35 PM  
**To:** 'Robert Audette'  
**Cc:** Diamond, Joshua; Treadwell, John; kmoran@berkshireagle.com; Donoghue, Michael  
**Subject:** RE: Records Request  
**Attachments:** Windham Sheriff Report.pdf

Here you go, the redactions and handwritten information in this report appear in the document sent to our office.

**From:** Robert Audette [mailto:raudette@reformer.com]  
**Sent:** Wednesday, March 22, 2017 4:25 PM  
**To:** London, Sarah <Sarah.London@vermont.gov>  
**Cc:** Diamond, Joshua <Joshua.Diamond@vermont.gov>; Treadwell, John <john.treadwell@vermont.gov>; kmoran@berkshireagle.com; Donoghue, Michael <mdonoghue@smcvt.edu>  
**Subject:** Re: Records Request

Thank you.

On Wed, Mar 22, 2017 at 4:23 PM, London, Sarah <Sarah.London@vermont.gov> wrote:

Hi Bob, that's an oversight on my part, my apologies. Will be in touch,

Sarah

**From:** Robert Audette [mailto:raudette@reformer.com]  
**Sent:** Wednesday, March 22, 2017 4:13 PM  
**To:** London, Sarah <Sarah.London@vermont.gov>; Diamond, Joshua <Joshua.Diamond@vermont.gov>; Treadwell, John <john.treadwell@vermont.gov>  
**Cc:** kmoran@berkshireagle.com; Donoghue, Michael <mdonoghue@smcvt.edu>  
**Subject:** Re: Records Request

Thank you for responding to my FOIA request in an expeditious manner. As noted in the four pages you forwarded to me, there is a nine page Windham County Sheriff's Department Report that was included in the Vernon Voters Alliance submission to you. Consider this email a formal request for that investigation report. Thank you.

On Wed, Mar 22, 2017 at 3:31 PM, London, Sarah <Sarah.London@vermont.gov> wrote:

Bob, attached please find records in response to your request below. The identity of the author of the complaint has been redacted pursuant to 1 VSA 317(c)(5)(A) and (D). In addition, personal contact information and certain financial

information (bank account and/or routing numbers) has been redacted pursuant to 1 VSA 317(c)(7). If you feel information has been withheld in error, you may appeal to the Deputy Attorney General, Josh Diamond. Thank you,

Sarah

Sarah London

Chief of General Counseling and Administrative Law Division

Vermont Attorney General's Office

**From:** Robert Audette [<mailto:raudette@reformer.com>]

**Sent:** Tuesday, March 21, 2017 11:43 AM

**To:** Treadwell, John <[john.treadwell@vermont.gov](mailto:john.treadwell@vermont.gov)>

**Subject:** Records Request

It has come to my attention that the Vermont AG's Office may have in its possession a letter from the Vernon Voters Alliance. Please consider this an official records request under Vermont Statutes for a copy of that letter.

I look forward to receiving the letter and thank you for any and all efforts you make in responding to this request.

Thank you.

—  
Bob Audette

802-254-2311, ext. 160

@audette.reformer on Twitter

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Bob Audette

802-254-2311, ext. 160

@audette.reformer on Twitter

--  
Bob Audette

802-254-2311, ext. 160

@audette.reformer on Twitter



# WINDHAM COUNTY SHERIFF'S DEPARTMENT

Keith D. Clark, Sheriff  
PO Box 266, Newfane VT 05345  
Tel: (802) 365-4942  
Fax: (802) 365-4945



Date of Report: 9/22/2014 8:53:00 AM

Case Number: 14WHC004182

Initial Report

Town: Vernon

Supplemental

Reporting Officer: Lieutenant Mark Anderson

### STATUS

- Open:
- Closed
- Pending review by SAO
- Exceptionally Cleared
- Transferred to other agency:

Press Release:  Yes  No

CASE TYPE: Obstruction of Justice

RESPONSIBLE/INVESTIGATING DEPUTY: Deputy Ian Tuttle

SUMMARY OF INCIDENT: Arrest of a citizen for DUI and negligent operation resulted in the chairwoman of the select board making threatening statements regarding the business relationship between the town and the Sheriff's Office.

LOCATION OF INCIDENT: Via phone

DATE/TIME OF COMPLAINT: 9/21/2014 @ 06:21 hours

SUSPECT: Patricia O'Donnell

INVESTIGATION NARRATIVE: On September 20<sup>th</sup>, 2014, at approximately 23:50 hours, I received two missed phone calls from Patricia O'Donnell. O'Donnell left a message for me to call. At 00:02, I received an additional message from my dispatch advising that Deputy Ian Tuttle had made an arrest for a DUI and the husband of the defendant, Michael McKinney, as well as O'Donnell wanted to speak with me regarding it. In total, I had five missed calls from O'Donnell between 9/20/2014 at 23:50 hours and 9/21/2014 at 00:24 hours.

At 06:21 hours, I contacted O'Donnell by telephone. O'Donnell advised that she was "pissed off" regarding the arrest of Lisa McKinney and several times referred to Deputy Tuttle as a "pissant." O'Donnell advised that Lisa McKinney was stopped "for no reason" and that Deputy Tuttle had been following her since the post office. Additionally, O'Donnell advised that she'd received three complaints regarding Deputy Tuttle parking at the post office and following people. O'Donnell advised that Ted George had also made a complaint regarding this behavior as well.

O'Donnell advised me that she was in Boston at the time of this event, but that her husband, Robert O'Donnell and Michael McKinney were present. She made additional statements that she'd rather have the Vernon Police Department instead of our office if this is what happened. She stated that I knew the McKinney's, that they were good people and they weren't dealing drugs. She stated something to the effect of, "It's not like they were coming from the bar. He followed her. In our neighborhood?" She advised the McKinney's were coming from a Make-A-Wish dinner. She advised that Lisa McKinney had consumed one or two glasses of wine but later denied that Lisa McKinney consumed any alcohol. She also advised that Lisa McKinney was stopped for touching the center line. O'Donnell advised me that something was going to have to be done about this and also advised that the town was going to need to get rid of the Sheriff's Office contract. O'Donnell indicated that she wanted me to respond at the time to fix this issue. O'Donnell advised that she was going to bring this issue up with the board. I advised O'Donnell that I would look into the issue and be in touch with her Monday.

On September 21<sup>st</sup>, 2014, I received two voicemails from O'Donnell advising she'd like to continue our conversation. O'Donnell advised that Deputy Tuttle "pulled a gun on Lisa McKinney. I'm not letting this go, Mark. I'm calling Keith and I'm getting him involved in this as well." I spoke with Sheriff Clark by telephone, who advised that he'd spoken with

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O'Donnell and would assume responsibility regarding this issue. Sheriff Clark advised me to collect statements from anyone interested in speaking to me and to relinquish them to him. O'Donnell requested

On September 22<sup>nd</sup>, 2014, I was contacted by Select board member Janet Rasmussen requesting O'Donnell and she meet with me regarding this issue. We scheduled to meet that afternoon at 1400 hours.

I spoke with O'Donnell by phone. The conversation was audio-recorded. Please refer to the recording for the conversation in its entirety. The following is a summary:

I explained to O'Donnell that the DUI investigation was an active investigation and her complaint regarding Deputy Tuttle was being handled by Sheriff Clark. O'Donnell spoke about the methods, procedures and actions of pertaining to the stop. She stated that the select board when they were initially approached Sheriff Clark, they told him they weren't looking for "The Gestapo." O'Donnell advised that the board's interest in this matter had nothing to do with the DUI or the arrest, but how McKenney was treated.

Nothing further at this time.



Windham  
County  
Sheriff's  
Department

Keith Clark <kclark@windhamsheriff.com>

---

## Complaint regarding Ian Tuttle

1 message

---

Mark Anderson <manderso@windhamsheriff.com>  
To: kclark@windhamsheriff.com, rlakin@windhamsheriff.com

Tue, Sep 23, 2014 at 2:31 PM

Gentlemen,

No action necessary but want you to be aware and have this documented given current events in Vernon:

One of the items that Patty mentioned in our meeting was that Ted Georé had complained to her about his daughter being stopped for touching the center line by Ian. She advised that this was the fourth complaint of a "single woman" being stopped by Ian and twisted it in a way to accuse Ian of stopping single women. It's noted that one of the complaints she referenced was an email from Tina Buheler regarding the drunks in Vernon being mad at Ian. This was the second complaint she'd had. McKenney was her third complaint and she didn't identify the fourth except as a woman she ran into at the grocery store just prior to our meeting. O'Donnell also advised she was going to contact George and have him "throw us out" of the mill.

I spoke with George today. He advised that his daughter was home from California. He advised she saw Ian at George's Mill (the post office – and yes, it's his) where he proceeded to follow her vehicle to Huckle Hill Road. He stopped her on Huckle Hill Road after the flats, on the hill for "touching the center line." She denied to Ian that she touched the yellow line but told George that she wasn't sure if she had or not. George advised he had no complaints and was simply asking O'Donnell a question as he'd "never heard that expression before." I explained the driving to right statue and the investigatory stops to him and he agreed with the methodology. He also felt we were doing a great job and providing a lot of much needed speed enforcement. George had no issues with professionalism and advised that even he touches the yellow line, so he doesn't doubt that it happened.

Lieutenant Mark Anderson  
Windham County Sheriff's Office - Vernon Division  
(p) 802-254-6962 (f) 802-258-2328  
manderso@windhamsheriff.com

Find us online:  
[www.windhamsheriff.com](http://www.windhamsheriff.com)  
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# WINDHAM COUNTY SHERIFF'S DEPARTMENT

Keith D. Clark, Sheriff  
PO Box 266, New Lane VT 05345  
Tel: (802) 365-4942  
Fax: (802) 365-4945



Date of Report: 09/21/14

Case Number: 14WHC004162

Initial Report

Town: Vernon

Supplemental

Reporting Deputy: Ian Tuttle

### STATUS

- Open:
- Closed
- Pending
- Exceptionally Cleared
- Transferred to other agency:

Press Release:  Yes  No

CASE TYPE: DUI, C&N

RESPONSIBLE/INVESTIGATING DEPUTY: Ian Tuttle

DISPATCHER ON DUTY: Stanley Wasilewski (Windham CSO), Sandy Boyd (Windham CSO)

LOCATION OF INCIDENT: 15 Woodland Rd, Vernon, VT, 05354

DATE/TIME OF INCIDENT: 09/20/14 at approximately 2301 hours

ACCUSED: Lisa M. McKenney ([REDACTED])

WITNESS(ES): Michael P. McKenney ([REDACTED]), Joshua C. Parro ([REDACTED])

INVESTIGATION NARRATIVE: On September 20<sup>th</sup>, 2014, at approximately 2300 hours, I was on duty as a law enforcement officer in the Town of Vernon, County of Windham, State of Vermont.

Also in the vehicle with me throughout the duration of this incident was Joshua Parro ([REDACTED]), who was currently doing a ride along for part of my shift.

I was stationary monitoring traffic near the north intersection of Route 142 and Pond Rd. I observed a green 2011 Jeep Grand Cherokee bearing valid Vermont registration FYH824 travel south past my position. While the vehicle was navigating the sweeping left hand curve I noted that it came close to the right side of the road and then made an abrupt left as if to keep from going off of the road. I began to follow the vehicle.

As I followed the vehicle I noted that it crossed the solid double yellow centerline a total of two times. As we neared the intersection of Route 142 and Newton Road I observed that the operator activated the right turn signal on the vehicle. The operator then crossed over the solid double yellow centerline and drove down the center of the road for approximately 50 yards. Prior to this she was driving with her left tires on the solid double yellow centerline. After turning onto Newton Road we began to travel west. The vehicle drove approximately 100 yards west on Newton Road on the left side of the roadway. As the vehicle neared the railroad tracks that cross the roadway on Newton Road the operator had to swerve to the right to avoid colliding head on with another vehicle traveling in the opposite direction.

I activated my emergency lights in an attempt to stop the vehicle. The vehicle made a left hand turn onto Fox Hill Rd and then a right hand turn onto Woodland Rd before making a left turn into a residence at 15 Woodland Rd, Vernon, which I later learned was the operator's residence. The operator did not slow the vehicle during this course of action and there driving became more erratic. I followed the vehicle with my emergency lights activated for approximately 1/4 of a mile before it stopped.



I performed a felony stop on the vehicle as the operator had failed to stop for my lights. The operator of the vehicle was placed in handcuffs until she could be identified. She was advised that she was not under arrest but that she was being detained until I could figure out what was going on. I identified the operator by a valid Vermont photo driver's license as Lisa McKenney ([REDACTED]). I also identified the passenger by name and date of birth as Michael McKenney (DOB: [REDACTED]), L. McKenney's husband.

After being released from handcuffs I asked L. McKenney why she had failed to stop when I had activated my emergency lights. She advised me that she had not seen the lights until she had made it almost up her driveway. I further questioned L. McKenney why she had driven up the wrong side of the road and almost hit the other passing vehicle head on. She did not have a reason. I asked L. McKenney how much alcohol she had consumed. She replied by saying "a couple" glasses of wine. L. McKenney further clarified, saying that she had consumed two glasses of wine. She advised me that she had consumed her first drink at approximately 1800 hours and had her last drink at approximately 1930 hours and that she had not consumed any alcohol in the 30 minutes prior to driving nor had she consumed any drugs. I also noted that L. McKenney's eyes were bloodshot and watery.

I administered the standardized field sobriety tests (SFST's) to L. McKenney. During the horizontal gaze nystagmus I noted that she had nystagmus in both eyes on the lack of smooth pursuit, the distinct jerkiness at maximum deviation, and onset of distinct jerkiness prior to 45 degrees tests. During the walk and turn test she began before being instructed to do so and was not able to balance while I was giving her instructions. She was able to keep her right foot ahead of her left foot for approximately ten seconds while I was giving instructions. After that she stayed with her two feet side by side. She did not touch heel-to-toe on step number four of the first nine steps and several steps on the nine back. Additionally on step four of the first nine she stepped off line and stopped walking, then used her arms by raising them more than six inches from her side. On the first nine steps L. McKenney took ten steps then turned incorrectly as she used both feet and rotated instead of taking small steps and pivoting on her front foot. During the one leg stand test L. McKenney used her arms to balance even after being reminded not to. At the time of the test L. McKenney was barefoot. I did offer to allow her to wear shoes and she denied. I administered an additional counting exercise to [REDACTED] in which she would count backwards from 47 to 23. She was able to complete the test without any issues. She was also able to remember where I asked her to start counting and where I asked her to stop counting. I offered L. McKenney a preliminary breath test (PBT) [REDACTED].

L. McKenney was arrested and placed in handcuffs which were checked for tightness and comfort and transported to the Windham County Sheriff's Office-Vernon Division (WCSD-VN) for processing.

During processing she gave an evidentiary breath sample which [REDACTED] at 0039 hours.

While processing L. McKenney her husband, M. McKenney and Robert O'Donnell (DOB: [REDACTED]) arrived at the WCSD-VN. I advised both of them that it would be a little while before I was done processing L. McKenney and that they could feel free to have a seat outside in the meeting room area. R. O'Donnell stated that he would like Lieutenant Mark Anderson called in. I advised him that LT. Anderson was off duty until Monday morning. R. O'Donnell then stated again that he wanted LT. Anderson called in. Additionally during processing I received two phone calls from Patricia O'Donnell ([REDACTED]). The first call was 2352 hours and the second was at 0005 hours. In both calls P. O'Donnell was demanding that LT. Anderson be called in. I advised her that once I had things settled as far as processing I would call LT. Anderson. She advised me that if LT. Anderson was not present within that an hour she was going to call Sheriff Keith Clark. I advised her that she could do that if she felt the need to.

I released L. McKenney to O'Donnell, who advised that she did not appear intoxicated to him. Also present at the time of O'Donnell picking up L. McKenney was M. McKenney. M. McKenney was speaking to me about what all this means and what his wife would have to do. While we were talking I overheard O'Donnell say something to the effect of "this won't fly".

I gathered a sworn written statement from Parro which has been attached and incorporated as if fully set forth herein.

Nothing further.



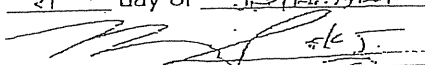
STATE OF VERMONT  
Windham County Ss  
Case# 14WHC4162

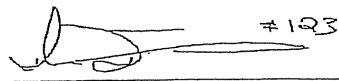
Affidavit 1-A.

NOW COMES, Ian Tuttle, affiant, being duly sworn and on oath, deposes and says that he has probable cause to believe that Lisa M. McKenney (DOB: [REDACTED]) hereinafter referred to as defendant, committed the offenses of Driving Under the Influence in violation of 23 V.S.A. § 1201 and Negligent Operation in violation of 23 V.S.A. § 1091. In support of these charges I state:

1. I am a law enforcement officer certified by the Vermont Criminal Justice Training Council. I am trained and certified by the Vermont Criminal Justice to operate the DMT infrared breath-testing instrument.
2. On September 20th, 2014, at approximately 2300 hours, I was on duty as a law enforcement officer in the Town of Vernon, County of Windham, State of Vermont.
3. I was stationary monitoring traffic near the north intersection of Route 142 and Pond Rd. I observed a green 2011 Jeep Grand Cherokee bearing valid Vermont registration FYH824 travel south past my position. While the vehicle was navigating the sweeping left hand curve I noted that it came close to the right side of the road and then made an abrupt left as if to keep from going off of the road. I began to follow the vehicle.
4. As I followed the vehicle I noted that it crossed the solid double yellow centerline a total of two times. As we neared the intersection of Route 142 and Newton Road I observed that the operator activated the right turn signal on the vehicle. The operator then crossed over the solid double yellow centerline and drove down the center of the road for approximately 50 yards. Prior to this she was driving with her left tires on the solid double yellow centerline. After turning onto Newton Road we began to travel west. The vehicle drove approximately 100 yards west on Newton Road on the left side of the roadway. As the vehicle neared the railroad tracks that cross the roadway on Newton Road the operator had to swerve to the right to avoid colliding head on with another vehicle traveling in the opposite direction.
5. I activated my emergency lights in an attempt to stop the vehicle. The vehicle made a left hand turn onto Fox Hill Rd and then a right hand turn onto Woodland Rd before making a left turn into a residence at 15 Woodland Rd, Vernon, which I later learned was the operator's residence. The operator did not slow the vehicle during this course of action and there driving became more erratic. I followed the vehicle with my emergency lights activated for approximately 1/4 of a mile before it stopped.
6. I identified the operator by a valid Vermont photo driver's license as Lisa McKenney (DOB: [REDACTED]) I also identified the passenger by name and date of birth as Michael McKenney (DOB: [REDACTED]), L. McKenney's husband.
7. I asked L. McKenney why she had failed to stop when I had activated my emergency lights. She advised me that she had not seen the lights until she had made it almost up her driveway. I further questioned L. McKenney why she had driven up the wrong side of the road and almost hit the other passing vehicle head on. She did not have a reason. I asked L. McKenney how much alcohol she had consumed. She replied by saying "a couple" glasses of wine. L.

Subscribed and sworn to before me on  
This 21 day of SEPTEMBER 2014

  
\_\_\_\_\_  
(Judicial Officer) (Notary Public)

 #193  
\_\_\_\_\_  
Signature

09-21-14  
\_\_\_\_\_  
(Date)

McKenney further clarified, saying that she had consumed two glasses of wine. She advised me that she had consumed her first drink at approximately 1800 hours and had her last drink at approximately 1930 hours and that she had not consumed any alcohol in the 30 minutes prior to driving nor had she consumed any drugs. I also noted that L. McKenney's eyes were bloodshot and watery.

8. I administered the standardized field sobriety tests (SFST's) to L. McKenney. During the horizontal gaze nystagmus I noted that she had nystagmus in both eyes on the lack of smooth pursuit, the distinct jerkiness at maximum deviation, and onset of distinct jerkiness prior to 45 degrees tests. During the walk and turn test she began before being instructed to do so and was not able to balance while I was giving her instructions. She was able to keep her right foot ahead of her left foot for approximately ten seconds while I was giving instructions. After that she stayed with her two feet side by side. She did not touch heel-to-toe on step number four of the first nine steps and several steps on the nine back. Additionally on step four of the first nine she stepped off line and stopped walking, then used her arms by raising them more than six inches from her side. On the first nine steps L. McKenney took ten steps then turned incorrectly as she used both feet and rotated instead of taking small steps and pivoting on her front foot. During the one leg stand test L. McKenney used her arms to balance even after being reminded not to. At the time of the test L. McKenney was barefoot. I did offer to allow her to wear shoes and she denied. I administered an additional counting exercise to L. McKenney in which she would count backwards from 47 to 23. She was able to complete the test without any issues. She was also able to remember where I asked her to start counting and where I asked her to stop counting. I offered L. McKenney a preliminary breath test (PBT) [REDACTED]
9. L. McKenney was placed in handcuffs and transported to the Windham County Sheriff's Office Vernon Division (WCSO-VD) for processing. During processing L. McKenney gave a breath sample which came back [REDACTED] reading at 0039 hours.
10. During the duration of this incident I had Joshua Parro ([REDACTED]) in the vehicle with me doing a ride along. I received a sworn written statement from Parro which has been attached and incorporated as if fully set forth herein.
11. Based on the facts and circumstances contained in this affidavit I believe that probable cause exists to charge Lisa M. McKenney with the crimes of Driving Under the Influence, and Negligent Operation. She was not fingerprinted or photographed for the offenses.

Subscribed and sworn to before me on  
This 21 day of SEPTEMBER 2014

[Signature]  
(Judicial Officer)(Notary Public)

[Signature] 0123

Signature

09-21-14

(Date)



**WINDHAM COUNTY SHERIFF'S DEPARTMENT**

Keith D. Clark, Sheriff  
PO Box 266 Newfane, VT 05345

**CASE NUMBER:**

**SWORN WRITTEN STATEMENT**

Name: Joshua C. Parro

Date of Birth: [REDACTED]

Address: 32 Oak Court Vernon, Vermont 05354

Home Phone: [REDACTED] Cell Phone: [REDACTED]

On the evening of 9/20/2014 I was on a ride along with Deputy Ian Tuttle with the Windham County Sheriff's Office in Vernon, Vermont. Around 23:00 hours we were sitting in the patrol car at the north intersection of Pond Road and Route 142 observing traffic. During that time, I witnessed a motor vehicle traveling south on Route 142 which seemed to be exceeding the 40 MPH speed limit to my own judgment, and also seemed to get close to the right side of the road while navigating the corner near the post office. Deputy Tuttle decided to follow behind this vehicle. As we caught up, initially I did not notice anything out of the ordinary. The speed was not too excessive and I didn't notice much swerving at this time. However, as we came around the corner of the old Vernon Schoolhouse Grocery everything was the opposite. The car began to ride the center line, drift back into lane, and then soon after go right back to where it was before. As we approached the intersection of Newton Road and Route 142, the vehicle drifted about half way into the left lane and then made a right turn onto Newton Road, her blinker was on at this time. Continuing up the small hill on Newton Road before the railroad tracks, I witnessed the whole car on the left side of the road for quite a good distance. During this same time, the car swerved back to the right side of the road to avoid a head on collision with an oncoming vehicle. This is when Deputy Tuttle turned on his lights to initiate a traffic stop, yet she did not yield to them. The car continued to take a left on to Fox Hill Road, a very messy right onto Woodland Road, and travelled a short distance before turning left into a driveway. As we proceeded up the driveway, the center garage door opened and I had a thought that the car was going to drive right into it. Instead, the car stopped and Deputy Tuttle drew his gun and gave the driver and passenger commands to come out of the vehicle with their hands up. The driver, who was a female was the first to come out and Deputy Tuttle soon cuffed her while he situated the male passenger. Deputy Tuttle then questioned the driver as to why they didn't stop back when he initially turned on his lights, along with asking the driver if she'd been drinking. She stated that she had had a "couple" glasses of wine. Which then Deputy Tuttle clarified what she meant by a "couple". She stated she had had 2 glasses of wine. He then proceeded to run her information she provided, and then began the screening process. During the screening process I saw the operator's hands raised more than six inches from her side. I remember talking with Deputy Tuttle about this being a clue during the walk

I give this statement voluntarily. I know that giving false information to a law enforcement officer is a violation of law and that if I do so, I may be charged with a criminal offense. I have read and/or have had read to me the above statement consisting of 2 page(s) and I swear to the truthfulness of the information contained in this statement and have made no omissions or misrepresentations.

Subscribed and sworn to before me on  
This 22 day of SEPTEMBER 2014

[Signature] #165  
Notary Public

[Signature]  
Date 9/22/2014



**WINDHAM COUNTY SHERIFF'S DEPARTMENT**

Keith D. Clark, Sheriff  
PO Box 266 Newfane, VT 05345

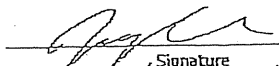
**CASE NUMBER:**

and turn field sobriety test. After deeming she was intoxicated Deputy Tuttle offered her a breathalyzer test which she declined, and eventually put her under arrest for DUI. At this time I had to move to the back seat so she could take my spot in the front seat. Immediately when she sat down in the car I could smell a slight odor of alcohol in the cabin of the cruiser. She remained silent for the most part on the ride to the station, and once we arrived I moved a couple times to different rooms to give her and Deputy Tuttle privacy.

I give this statement voluntarily. I know that giving false information to a law enforcement officer is a violation of law and that if I do so, I may be charged with a criminal offense. I have read and/or have had read to me the above statement consisting of 2 page(s) and I swear to the truthfulness of the information contained in this statement and have made no omissions or misrepresentations.

Subscribed and sworn to before me on  
This 22 day of SEPTEMBER 2014

  
\_\_\_\_\_  
Notary Public

  
\_\_\_\_\_  
Signature  
9/22/2014  
\_\_\_\_\_  
Date

## London, Sarah

---

**From:** London, Sarah  
**Sent:** Wednesday, March 22, 2017 4:23 PM  
**To:** 'Robert Audette'; Diamond, Joshua; Treadwell, John  
**Cc:** kmoran@berkshireagle.com; Donoghue, Michael  
**Subject:** RE: Records Request

Hi Bob, that's an oversight on my part, my apologies. Will be in touch,  
Sarah

**From:** Robert Audette [mailto:raudette@reformer.com]  
**Sent:** Wednesday, March 22, 2017 4:13 PM  
**To:** London, Sarah <Sarah.London@vermont.gov>; Diamond, Joshua <Joshua.Diamond@vermont.gov>; Treadwell, John <john.treadwell@vermont.gov>  
**Cc:** kmoran@berkshireagle.com; Donoghue, Michael <mdonoghue@smcvt.edu>  
**Subject:** Re: Records Request

Thank you for responding to my FOIA request in an expeditious manner. As noted in the four pages you forwarded to me, there is a nine page Windham County Sheriff's Department Report that was included in the Vernon Voters Alliance submission to you. Consider this email a formal request for that investigation report. Thank you.

On Wed, Mar 22, 2017 at 3:31 PM, London, Sarah <Sarah.London@vermont.gov> wrote:

Bob, attached please find records in response to your request below. The identity of the author of the complaint has been redacted pursuant to 1 VSA 317(c)(5)(A) and (D). In addition, personal contact information and certain financial information (bank account and/or routing numbers) has been redacted pursuant to 1 VSA 317(c)(7). If you feel information has been withheld in error, you may appeal to the Deputy Attorney General, Josh Diamond. Thank you,

Sarah

Sarah London

Chief of General Counseling and Administrative Law Division

Vermont Attorney General's Office

From: Robert Audette [mailto:[raudette@reformer.com](mailto:raudette@reformer.com)]  
Sent: Tuesday, March 21, 2017 11:43 AM  
To: Treadwell, John <[john.treadwell@vermont.gov](mailto:john.treadwell@vermont.gov)>  
Subject: Records Request

It has come to my attention that the Vermont AG's Office may have in its possession a letter from the Vernon Voters Alliance. Please consider this an official records request under Vermont Statutes for a copy of that letter.

I look forward to receiving the letter and thank you for any and all efforts you make in responding to this request.

Thank you.

--

Bob Audette

[802-254-2311, ext. 160](tel:802-254-2311)

[@audette.reformer](#) on Twitter

--

Bob Audette

[802-254-2311, ext. 160](tel:802-254-2311)

[@audette.reformer](#) on Twitter

## London, Sarah

---

**From:** Robert Audette <raudette@reformer.com>  
**Sent:** Wednesday, March 22, 2017 3:41 PM  
**To:** London, Sarah  
**Subject:** Re: Records Request

thanks!

On Wed, Mar 22, 2017 at 3:31 PM, London, Sarah <Sarah.London@vermont.gov> wrote:

Bob, attached please find records in response to your request below. The identity of the author of the complaint has been redacted pursuant to 1 VSA 317(c)(5)(A) and (D). In addition, personal contact information and certain financial information (bank account and/or routing numbers) has been redacted pursuant to 1 VSA 317(c)(7). If you feel information has been withheld in error, you may appeal to the Deputy Attorney General, Josh Diamond. Thank you,

Sarah

Sarah London

Chief of General Counseling and Administrative Law Division

Vermont Attorney General's Office

**From:** Robert Audette [mailto:raudette@reformer.com]  
**Sent:** Tuesday, March 21, 2017 11:43 AM  
**To:** Treadwell, John <john.treadwell@vermont.gov>  
**Subject:** Records Request

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I look forward to receiving the letter and thank you for any and all efforts you make in responding to this request.

Thank you.

--  
Bob Audette

802-254-2311, ext. 160

@audette.reformer on Twitter

--  
Bob Audette  
802-254-2311, ext. 160  
@audette.reformer on Twitter

London, Sarah

---

**From:** Treadwell, John  
**Sent:** Tuesday, March 21, 2017 11:58 AM  
**To:** London, Sarah  
**Subject:** FW: Records Request

Here it is.

**From:** Robert Audette [mailto:raudette@reformer.com]  
**Sent:** Tuesday, March 21, 2017 11:43 AM  
**To:** Treadwell, John <john.treadwell@vermont.gov>  
**Subject:** Records Request

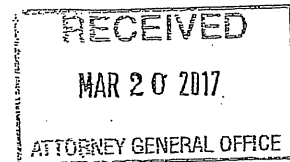
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I look forward to receiving the letter and thank you for any and all efforts you make in responding to this request.

Thank you.

--  
Bob Audette  
802-254-2311, ext. 160  
@audette.reformer on Twitter

Zsolt Bobis  
83 Greenpoint Ave, Apt. 3B  
Brooklyn, NY 11222



February 28, 2017

Records Access Officer  
**Office of the Attorney General**  
109 State Street  
Montpelier, VT 05609-1001

To Whom It May Concern:

Under the Vermont Public Records Law, §315 et seq., I am requesting an opportunity to inspect or obtain copies of:

- consumer complaints related to TeleMDCentral (telemdcentral.com; address: 70 S Winooski Ave, Suite #209; Burlington, VT 05401) from the years 2014-2017. Key terms that would facilitate your search include: "telemdcentral.com," "tele md central," "telemd central," or "tele mdcentral."

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$25. In order to help determine fees, you should know that I am an investigative journalism student at Columbia University Graduate School of Journalism and the records are needed for my class project on telemedicine scams. However, I would like to request a waiver of all fees because the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of how telehealth scammers operate. My work may be viewed as assisting the Attorney General's Office in calling attention to the danger these scammers pose to the public. This information is not being sought for commercial purposes.

The law requires a response to this request within 2 days, or within 10 days for extraordinary circumstances. If you expect a significant delay in fulfilling this request, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

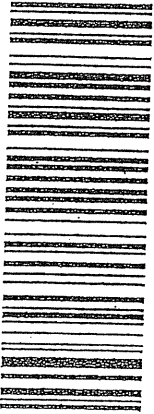
Sincerely,

A handwritten signature in black ink that reads "Zsolt Bobis".

Zsolt Bobis  
646-856-6659  
zb2200@columbia.edu

Scott Adams  
83 Groundpoint Ave 1 Apt. 5B  
Brooklyn NY 11222

7016 1970 0000 6808 7439



7016 1970 0000 6808 7439



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Office of the Attorney General  
Records Access Office  
109 State Street  
Montpelier, VT 05603-1001

**London, Sarah**

---

**From:** Matthews, Deborah  
**Sent:** Thursday, March 02, 2017 1:54 PM  
**To:** London, Sarah  
**Cc:** Farnsworth, Karen  
**Subject:** FW: Freedom of Information Request

**Importance:** High

*Deb Matthews*

Administrative Secretary  
Office of the Attorney General | GCAL  
109 State Street, 3rd Floor  
Montpelier, VT 05609  
Phone | 802-828-3689  
E-Mail | [deborah.matthews@vermont.gov](mailto:deborah.matthews@vermont.gov) (please note my new email address)

---

**From:** Schuhmacher, Tracy [<mailto:tschuhmach@rocheste.gannett.com>]  
**Sent:** Thursday, March 02, 2017 1:53 PM  
**To:** AGO - Info <[AGO.Info@vermont.gov](mailto:AGO.Info@vermont.gov)>  
**Subject:** Freedom of Information Request

To: Vermont Attorney General's Office

Dear Records Access Officer:

This is a request for records pursuant to the Vermont Public Records Law, §315 et seq.

I am a reporter who is part of a USA Today Network effort to explore the branded locally grown marketing programs in each state. Vermont is unusual in that it does not have such a program. My understanding is that the Vermont Attorney General's Office, however, enforces "made in Vermont" claims under the 2006 Rule CF 120 Representation of Origin Rule.

On behalf of myself and Gannett/USA Today Network, I am requesting a list of actions the Vermont Attorney General's Office has taken pursuant to the Vermont Origins Rule from the past five years (2012 to present).

If possible, please provide the responsive records in an electronic format via email to [tracys@gannett.com](mailto:tracys@gannett.com). Please inform me of any costs associated with fulfilling my request prior to making copies. I can be reached at 585-258-2722.

As you know, the law requires a response to this request within 2 days, or within 10 days for extraordinary circumstances. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records. If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

**Tracy Schuhmacher**  
Reporter



[TracyS@Gannett.com](mailto:TracyS@Gannett.com)  
Office: 585.258.2722

Twitter: @RahChaChow  
Instagram: RahChaChow  
Facebook: /TracySchuhmacher

245 E. Main St.  
Rochester, NY 14604

Farnsworth, Karen

---

**From:** London, Sarah  
**Sent:** Wednesday, March 22, 2017 3:31 PM  
**To:** raudette@reformer.com  
**Subject:** RE: Records Request  
**Attachments:** Town of Vernon complaint w attachments.pdf

Bob, attached please find records in response to your request below. The identity of the author of the complaint has been redacted pursuant to 1 VSA 317(c)(5)(A) and (D). In addition, personal contact information and certain financial information (bank account and/or routing numbers) has been redacted pursuant to 1 VSA 317(c)(7). If you feel information has been withheld in error, you may appeal to the Deputy Attorney General, Josh Diamond. Thank you, Sarah

Sarah London  
Chief of General Counseling and Administrative Law Division  
Vermont Attorney General's Office

**From:** Robert Audette [<mailto:raudette@reformer.com>]  
**Sent:** Tuesday, March 21, 2017 11:43 AM  
**To:** Treadwell, John <[john.treadwell@vermont.gov](mailto:john.treadwell@vermont.gov)>  
**Subject:** Records Request

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I look forward to receiving the letter and thank you for any and all efforts you make in responding to this request.

Thank you.

--  
Bob Audette  
802-254-2311, ext. 160  
[@audette.reformer](#) on Twitter

## London, Sarah

---

**From:** Treadwell, John  
**Sent:** Wednesday, March 29, 2017 4:37 PM  
**To:** Diamond, Joshua; London, Sarah  
**Subject:** FW: Denial of Cynthia Diaz records to VTDigger

FYI –

**From:** Treadwell, John  
**Sent:** Wednesday, March 29, 2017 4:36 PM  
**To:** 'Anne Galloway' <agalloway@vtdigger.org>  
**Cc:** Dan Schwartz <daniel.james.schwartz@gmail.com>  
**Subject:** RE: Denial of Cynthia Diaz records to VTDigger

Dear Anne,

I have received your voice mail and this email correspondence. As noted below the March 6, 2017, letter from AAG Zachary Chen provides the information required under 1 V.S.A. § 318(a)(2) regarding an appeal and to whom such an appeal should be directed. The letter states:

To the extent that you consider that this response constitutes 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

To the extent that you seek to appeal the response in the March 6, 2017, letter that appeal should be directed to Deputy AG Diamond.

John

**From:** Anne Galloway [mailto:agalloway@vtdigger.org]  
**Sent:** Wednesday, March 29, 2017 4:11 PM  
**To:** Treadwell, John <john.treadwell@vermont.gov>  
**Cc:** Dan Schwartz <daniel.james.schwartz@gmail.com>; Diamond, Joshua <Joshua.Diamond@vermont.gov>; Donovan, Thomas <Thomas.Donovan@vermont.gov>  
**Subject:** Denial of Cynthia Diaz records to VTDigger

Dear John Treadwell:

Please review the attached.

How can the VAG claim an invasion of personal privacy, disclosure of a witness (who was identified as Mike Marcotte in a Jan. 2009 affidavit provided by the VAG), information from tax returns and information related to personal finances?



The document in question is a deposition in a court case in which Cynthia Diaz was convicted of two misdemeanors.

Whole pages have been deleted. Several are missing.

How are you fulfilling your legal obligation under the Vermont Public Records Act?

Anne

On Tue, Mar 28, 2017 at 12:00 PM, Treadwell, John <[john.treadwell@vermont.gov](mailto:john.treadwell@vermont.gov)> wrote:

Anne and Dan,

AAG Zachary Chen's March 6, 2017, response to your February 21, 2017, clearly indicates that if you consider the response a denial of your request for public records you may appeal that decision. The letter provides the information required under 1 V.S.A. § 318(a)(2) regarding such an appeal and to whom such an appeal should be directed.

John

**From:** Anne Galloway [<mailto:agalloway@vtdigger.org>]  
**Sent:** Monday, March 27, 2017 4:33 PM  
**To:** Treadwell, John  
**Cc:** Dan Schwartz  
**Subject:** Re: VTDigger: requesting Vaughn Index

Hi John,

Under the Vermont Public Records Act, you are required to provide a description of what was withheld.

Please do so.

Thanks,

Anne Galloway

On Mon, Mar 27, 2017 at 4:30 PM, Treadwell, John <[john.treadwell@vermont.gov](mailto:john.treadwell@vermont.gov)> wrote:

Hi Dan,

I have reviewed the PRA response that was sent to you by AAG Zachary Chen on March 6, 2017. 1 V.S.A. § 318(a)(2) does not require a Vaughn Index. I respectfully decline to prepare and provide one to you.

John

John Treadwell

Assistant Attorney General

Vermont Attorney General's Office

109 State Street

Montpelier, VT 05609

tel: 802-828-5512

fax: 802-828-2154

e-mail: john.treadwell@vermont.gov

**Please note my new email address.**

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**From:** Dan Schwartz [mailto:daniel.james.schwartz@gmail.com]

**Sent:** Friday, March 24, 2017 12:17 PM

To: Treadwell, John <[john.treadwell@vermont.gov](mailto:john.treadwell@vermont.gov)>

Cc: Anne Galloway <[AGALLOWAY@vtdigger.org](mailto:AGALLOWAY@vtdigger.org)>

Subject: VTDigger: requesting Vaughn Index

Hi, John.

On March 7, your office delivered documents to The Vermont Digger in response to a public records request that I had emailed you on Feb. 21 regarding Cynthia Diaz.

The documents, however, are substantially redacted. Please provide me a Vaughn Index, citing a reason for each and every redaction contained within the 66-page stack of public documents.

Should you have any questions, feel free to call me on my cell phone: 774-644-2207.

Thank you.

- Dan Schwartz

VTDigger, freelance reporter

774-644-2207

--  
Anne Galloway

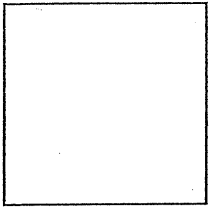
Editor, VTDigger.org  
Executive Director, Vermont Journalism Trust

97 State St., Montpelier, VT 05602

cell 802-595-9159

@GallowayVTD

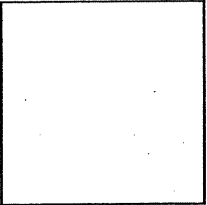
<http://vtdigger.org>



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Anne Galloway  
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Executive Director, Vermont Journalism Trust  
97 State St., Montpelier, VT 05602  
cell 802-595-9159  
@GallowayVTD  
<http://vtdigger.org>



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## London, Sarah

---

**From:** London, Sarah  
**Sent:** Tuesday, March 28, 2017 2:24 PM  
**To:** Treadwell, John  
**Subject:** RE: VTDigger: requesting Vaughn Index

Thanks

---

**From:** Treadwell, John  
**Sent:** Tuesday, March 28, 2017 1:33 PM  
**To:** London, Sarah <Sarah.London@vermont.gov>  
**Cc:** Chen, Zachary <Zachary.Chen@vermont.gov>  
**Subject:** FW: VTDigger: requesting Vaughn Index

FYI

---

**From:** Treadwell, John  
**Sent:** Tuesday, March 28, 2017 10:29 AM  
**To:** 'Anne Galloway' <agalloway@vtdigger.org>  
**Cc:** Dan Schwartz <daniel.james.schwartz@gmail.com>  
**Subject:** RE: VTDigger: requesting Vaughn Index

Anne and Dan,

AAG Zachary Chen's March 6, 2017, response to your February 21, 2017, clearly indicates that if you consider the response a denial of your request for public records you may appeal that decision. The letter provides the information required under 1 V.S.A. § 318(a)(2) regarding such an appeal and to whom such an appeal should be directed.

John

---

**From:** Anne Galloway [<mailto:agalloway@vtdigger.org>]  
**Sent:** Monday, March 27, 2017 4:33 PM  
**To:** Treadwell, John  
**Cc:** Dan Schwartz  
**Subject:** Re: VTDigger: requesting Vaughn Index

Hi John,

Under the Vermont Public Records Act, you are required to provide a description of what was withheld.

Please do so.

Thanks,

Anne Galloway

On Mon, Mar 27, 2017 at 4:30 PM, Treadwell, John <[john.treadwell@vermont.gov](mailto:john.treadwell@vermont.gov)> wrote:

Hi Dan,

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John

John Treadwell

Assistant Attorney General

Vermont Attorney General's Office

109 State Street

Montpelier, VT 05609

tel: 802-828-5512

fax: 802-828-2154

e-mail: [john.treadwell@vermont.gov](mailto:john.treadwell@vermont.gov)

**Please note my new email address.**

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**From:** Dan Schwartz [<mailto:daniel.james.schwartz@gmail.com>]

**Sent:** Friday, March 24, 2017 12:17 PM

To: Treadwell, John <[john.treadwell@vermont.gov](mailto:john.treadwell@vermont.gov)>  
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Thank you.

- Dan Schwartz

VTDigger, freelance reporter

774-644-2207

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Executive Director, Vermont Journalism Trust  
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cell 802-595-9159  
@GallowayVTD  
<http://vtdigger.org>



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## London, Sarah

---

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**Sent:** Monday, March 27, 2017 4:35 PM  
**To:** London, Sarah  
**Subject:** FW: VTDigger: requesting Vaughn Index

FYI

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**Sent:** Monday, March 27, 2017 4:33 PM  
**To:** Treadwell, John <john.treadwell@vermont.gov>  
**Cc:** Dan Schwartz <daniel.james.schwartz@gmail.com>  
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Thanks,  
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John

John Treadwell

Assistant Attorney General

Vermont Attorney General's Office

109 State Street

Montpelier, VT 05609



tel: 802-828-5512

fax: 802-828-2154

e-mail: john.treadwell@vermont.gov

**Please note my new email address.**

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**Sent:** Friday, March 24, 2017 12:17 PM  
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- Dan Schwartz

VTDigger, freelance reporter

774-644-2207

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@GallowayVTD  
<http://vtdigger.org>



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## Diamond, Joshua

---

**From:** Schwartz, Thea  
**Sent:** Wednesday, March 15, 2017 11:05 AM  
**To:** Diamond, Joshua; London, Sarah  
**Subject:** Clark dairy

This is just a FYI only. Thought you might find this interesting. This is the Clark dairy that the foreclosure action is regarding.

<https://vtdigger.org/2017/03/12/farm-fundraising-family-fights-keep-dairy-operation/>

## Diamond, Joshua

---

**From:** Thompson, Julio  
**Sent:** Wednesday, March 22, 2017 11:02 AM  
**To:** Curtis, Christopher; Diamond, Joshua  
**Cc:** Treadwell, John  
**Subject:** FW: Montpelier listed on ICE report for FIP policy

FYI, and to avoid any office duplication of effort, I will touch base with Liz Hewitt from Digger as indicated below.

John T has sent me his copy of the Montpelier PD policy, but I want to be sure Liz and I are reading off the same version.

[REDACTED]

I haven't spoken to Montpelier about any of this, btw.

If you have any thoughts you wish to pass on to me before the call, feel free. Otherwise, I will be calling Liz around 2.

Julio

---

Julio A. Thompson, Esq.  
Director, Civil Rights Unit  
Office of the Vermont Attorney General  
109 State Street  
Montpelier, Vermont 05609

Tel: 802.828.5519

Fax: 802.828.3187

E-Mail: [julio.thompson@vermont.gov](mailto:julio.thompson@vermont.gov) ← (please note my new email address)

 Please consider the environment before printing this e-mail

**From:** Thompson, Julio  
**Sent:** Wednesday, March 22, 2017 10:49 AM  
**To:** 'Elizabeth Hewitt' <ehewitt@vtdigger.org>  
**Subject:** RE: Montpelier listed on ICE report for FIP policy

Liz

Can you share the version of the FIP policy you have, so I can ensure we reading off the same page, so to speak? As I mentioned, police depts often update their policies and I want to be sure we're looking at the same document.

Re scheduling: I am about to drive to a meeting, so if you can e-mail me a pdf copy of the FIP version you have, I can take a look when I return later this afternoon, around 2.

Hope that works.

Julio


---

Julio A. Thompson, Esq.  
Director, Civil Rights Unit  
Office of the Vermont Attorney General  
109 State Street  
Montpelier, Vermont 05609

Tel: 802.828.5519

Fax: 802.828.3187

E-Mail: [julio.thompson@vermont.gov](mailto:julio.thompson@vermont.gov) ← (please note my new email address)

 Please consider the environment before printing this e-mail

**From:** Elizabeth Hewitt [<mailto:ehewitt@vtdigger.org>]  
**Sent:** Wednesday, March 22, 2017 10:41 AM  
**To:** Thompson, Julio <[julio.thompson@vermont.gov](mailto:julio.thompson@vermont.gov)>  
**Subject:** Re: Montpelier listed on ICE report for FIP policy

Hi Julio,  
I'm trying to get this story out today, if possible. Would you have any time to squeeze me in?  
If not I can check in with an editor.

I just got a copy from the PD yesterday, so I should be up to date.

Thank you  
Elizabeth

On Wed, Mar 22, 2017 at 10:39 AM, Thompson, Julio <[julio.thompson@vermont.gov](mailto:julio.thompson@vermont.gov)> wrote:

Elizabeth,

I can take a look at this and get back to you tomorrow, perhaps. Would that work? If so, let me know a time to reach you.

Also, do you have the applicable version of the Montpelier FIP policy in hand? PDs update their policies all the time, so I want to be sure you and I are referring to the same document / version.

Julio

---

Julio A. Thompson, Esq.  
Director, Civil Rights Unit  
Office of the Vermont Attorney General  
109 State Street  
Montpelier, Vermont 05609

Tel: [802.828.5519](tel:802.828.5519)

Fax: [802.828.3187](tel:802.828.3187)

E-Mail: [julio.thompson@vermont.gov](mailto:julio.thompson@vermont.gov) ← (please note my new email address)



Please consider the environment before printing this e-mail

**From:** Elizabeth Hewitt [mailto:[ehewitt@vtdigger.org](mailto:ehewitt@vtdigger.org)]

**Sent:** Wednesday, March 22, 2017 10:05 AM

**To:** Thompson, Julio <[julio.thompson@vermont.gov](mailto:julio.thompson@vermont.gov)>

**Subject:** Montpelier listed on ICE report for FIP policy

Hi Julio,

I'm working on a story about Montpelier's inclusion on a list published by ICE of jurisdictions with policies that limit cooperation with federal immigration authorities. My understanding is that Montpelier's policy is not very different from other FIP policies in the state. I'm wondering if you or somebody else with the AG could help me understand what the implications of being on that list might be, and whether there are broader implications for Vermont's model FIP policy.

Thanks

Elizabeth

--

Elizabeth Hewitt

Reporter, VTDigger.org

802.917.3870

--

Elizabeth Hewitt

Reporter, VTDigger.org

802.917.3870

## Diamond, Joshua

---

**From:** Diamond, Joshua  
**Sent:** Friday, April 7, 2017 1:56 PM  
**To:** Jeb Wallace-Brodeur  
**Cc:** Curtis, Christopher; Scherr, David  
**Subject:** Re: Photo for 7 Days

How about 2:30 on third floor at ago?

Sent from my iPhone

> On Apr 7, 2017, at 1:31 PM, Jeb Wallace-Brodeur <jebcas@gmail.com> wrote:

>

> Hi Guys,

> Sorry for the last minute request, but I just got a request from Seven Days for a quick photo of the three of you, together if possible. I'm in Montpelier and can be anywhere in minutes. Anytime this afternoon would be great. My cell is 371-8557.

> Best,

> Jeb Wallace-Brodeur



**Diamond, Joshua**

---

**From:** London, Sarah  
**Sent:** Friday, April 7, 2017 12:47 PM  
**To:** Donovan, Thomas; Diamond, Joshua  
**Cc:** Silver, Natalie  
**Subject:** FW: AGO PRA data

Purely FYI.

**From:** London, Sarah  
**Sent:** Friday, April 07, 2017 12:42 PM  
**To:** 'Alicia Freese' <[alicia@sevendaysvt.com](mailto:alicia@sevendaysvt.com)>  
**Subject:** RE: AGO PRA data

No problem. Our count of AGO pages produced in 2017 between January 1 and March 31 is approximately 2650.

**From:** Alicia Freese [<mailto:alicia@sevendaysvt.com>]  
**Sent:** Friday, April 07, 2017 8:49 AM  
**To:** London, Sarah <[Sarah.London@vermont.gov](mailto:Sarah.London@vermont.gov)>  
**Subject:** Re: AGO PRA data

Interesting. Thanks for putting all this together.

On Thu, Apr 6, 2017 at 7:04 PM, London, Sarah <[Sarah.London@vermont.gov](mailto:Sarah.London@vermont.gov)> wrote:

Alicia, here's some info for now.

Link to public facing log of public record act requests across state government:

<https://data.vermont.gov/Government/Public-Record-Requests/fwxs-ckd2>

I've tried to look at AGO PRA data, comparing data from January 1 to March 31 across years. One challenge is, I now see that some of the productions of 2017 are very large and are occasionally logged by number of "files" produced on a CD, where an individual file can be a number of pages. I can tell the AGO has produced well over 1000 pages of AGO records in response to public record act requests from January 1 to March 31 of this year. Unfortunately, it is not necessarily easy to compare this to the number of pages produced in other years. However, based on the log at link above, it appears that in previous years, the AGO has sometimes produced fewer records on a yearly basis than what has been produced in this three month period of 2017.

Below reflects the volume of requests received by AGO across years for the period of Jan through March.

January 1 to March 31 across years

2017: 24 requests

2016: 23 requests

2015: 19 requests

2014: 9

2013: 9

2012: 7

2011: 8

I hope this is helpful for now. Happy to send any of our requests and productions as we discussed, or brainstorm other ways to try to produce aggregate data for context. Just let me know.

Sarah

Sarah London

Chief, General Counsel and Administrative Law Division

Vermont Attorney General's Office

--  
// SEVEN DAYS //

:: Alicia Freese

:: Staff Writer

:: <http://sevendaysvt.com>

:: 802.343.8047

:: twitter: @aliciafreese

## Diamond, Joshua

---

**From:** Diamond, Joshua  
**Sent:** Friday, March 31, 2017 9:00 AM  
**To:** 'Alicia Freese'  
**Subject:** RE: Couple questions

Alicia,

Sarah is Chief of the General Counsel and Administrative Law Division

Keith is Assistant Attorney General

I believe we have approximately 90 attorneys and 40 support staff, including paralegals, investigators, and admin support. But, I need to confirm the exact numbers.

Best, Josh

Joshua R. Diamond, Deputy Attorney General  
Vermont Attorney General's Office  
109 State Street  
Montpelier, Vermont 05609  
802-828-3175  
joshua.diamond@vermont.gov

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**From:** Alicia Freese [mailto:[alicia@sevendaysvt.com](mailto:alicia@sevendaysvt.com)]  
**Sent:** Thursday, March 30, 2017 4:33 PM  
**To:** Diamond, Joshua <[Joshua.Diamond@vermont.gov](mailto:Joshua.Diamond@vermont.gov)>  
**Subject:** Couple questions

Hi Josh,

I'm circling back to see if we can nail down a time to talk with the AG, and I've also got a few follow-up questions.

—Can you remind me what Sarah London's and Keith Flynn's titles are?  
—How many staff work in the AG's office?

Lastly, any luck with either Sarah London or Ted Hobson?

Thanks,

Alicia

P.S. Had a nice conversation with your father earlier today.

--

// SEVEN DAYS //  
:: Alicia Freese  
:: Staff Writer  
:: <http://sevendaysvt.com>  
:: [802.343.8047](tel:802.343.8047)  
:: twitter: @aliciafreese

## Diamond, Joshua

---

**From:** Diamond, Joshua  
**Sent:** Wednesday, March 29, 2017 11:59 AM  
**To:** Alicia Freese  
**Subject:** Re: meeting tomorrow

Feel free to call Chris Curtis at 802 279 5496.

Sent from my iPhone

On Mar 29, 2017, at 11:27 AM, Alicia Freese <[alicia@sevendaysvt.com](mailto:alicia@sevendaysvt.com)> wrote:

Hi Josh,

Any progress lining up interviews? Given my time constraints, is it possible for me to reach out directly to some of the folks?

Alicia

On Wed, Mar 29, 2017 at 7:36 AM, Alicia Freese <[alicia@sevendaysvt.com](mailto:alicia@sevendaysvt.com)> wrote:  
Thanks, Josh. Keep me posted!

Sent from my iPhone

On Mar 29, 2017, at 7:15 AM, Diamond, Joshua <[Joshua.Diamond@vermont.gov](mailto:Joshua.Diamond@vermont.gov)> wrote:

Alicia,

My cell is 802 595 8317.

It may be difficult to get all the folks you have identified for an interview.

Let me work on that and we'll see what can be done.

Josh

Joshua R. Diamond, Deputy Attorney General

Vermont Attorney General's Office

109 State Street

Montpelier, Vermont 05609

802-828-3175

[joshua.diamond@vermont.gov](mailto:joshua.diamond@vermont.gov)

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**From:** Alicia Freese [<mailto:alicia@sevendaysvt.com>]  
**Sent:** Tuesday, March 28, 2017 3:53 PM  
**To:** Diamond, Joshua <[Joshua.Diamond@vermont.gov](mailto:Joshua.Diamond@vermont.gov)>  
**Subject:** meeting tomorrow

Hi Joshua,

I'm confirming our interview at 4:30 tomorrow. I don't think I have your cell, so you can either send it to me, or call me on mine— 343-8047.

I'm also hoping to schedule interviews with Chris Curtis, David Scherr, Sarah London and Ted Hobson. And I'd like to chat with the AG himself about the team he's assembled. I know that's a lot; happy to discuss it further if this doesn't sound feasible.

Thanks for your help on this,

Alicia

--

// SEVEN DAYS //  
:: Alicia Freese  
:: Staff Writer  
:: <http://sevendaysvt.com>  
:: [802.343.8047](tel:802.343.8047)  
:: twitter: @aliciafreese

--

// SEVEN DAYS //  
:: Alicia Freese  
:: Staff Writer  
:: <http://sevendaysvt.com>

:: 802.343.8047

:: twitter: @aliciafreese



## Diamond, Joshua

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**To:** 'Alicia Freese'  
**Subject:** RE: meeting tomorrow

Alicia,

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Let me work on that and we'll see what can be done.

Josh

Joshua R. Diamond, Deputy Attorney General  
Vermont Attorney General's Office  
109 State Street  
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joshua.diamond@vermont.gov

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I'm also hoping to schedule interviews with Chris Curtis, David Scherr, Sarah London and Ted Hobson. And I'd like to chat with the AG himself about the team he's assembled. I know that's a lot; happy to discuss it further if this doesn't sound feasible.

Thanks for your help on this,

Alicia

--

// SEVEN DAYS //  
:: Alicia Freese  
:: Staff Writer  
:: <http://sevendaysvt.com>  
:: [802.343.8047](tel:802.343.8047)  
:: twitter: [@aliciafreese](https://twitter.com/aliciafreese)

## Diamond, Joshua

---

**From:** London, Sarah  
**Sent:** Friday, April 7, 2017 12:47 PM  
**To:** Donovan, Thomas; Diamond, Joshua  
**Cc:** Silver, Natalie  
**Subject:** FW: AGO PRA data

Purely FYI.

**From:** London, Sarah  
**Sent:** Friday, April 07, 2017 12:42 PM  
**To:** 'Alicia Freese' <[alicia@sevendaysvt.com](mailto:alicia@sevendaysvt.com)>  
**Subject:** RE: AGO PRA data

No problem. Our count of AGO pages produced in 2017 between January 1 and March 31 is approximately 2650.

**From:** Alicia Freese [<mailto:alicia@sevendaysvt.com>]  
**Sent:** Friday, April 07, 2017 8:49 AM  
**To:** London, Sarah <[Sarah.London@vermont.gov](mailto:Sarah.London@vermont.gov)>  
**Subject:** Re: AGO PRA data

Interesting. Thanks for putting all this together.

On Thu, Apr 6, 2017 at 7:04 PM, London, Sarah <[Sarah.London@vermont.gov](mailto:Sarah.London@vermont.gov)> wrote:

Alicia, here's some info for now.

Link to public facing log of public record act requests across state government:

<https://data.vermont.gov/Government/Public-Record-Requests/fwxs-ckd2>

I've tried to look at AGO PRA data, comparing data from January 1 to March 31 across years. One challenge is, I now see that some of the productions of 2017 are very large and are occasionally logged by number of "files" produced on a CD, where an individual file can be a number of pages. I can tell the AGO has produced well over 1000 pages of AGO records in response to public record act requests from January 1 to March 31 of this year. Unfortunately, it is not necessarily easy to compare this to the number of pages produced in other years. However, based on the log at link above, it appears that in previous years, the AGO has sometimes produced fewer records on a yearly basis than what has been produced in this three month period of 2017.

Below reflects the volume of requests received by AGO across years for the period of Jan through March.

January 1 to March 31 across years

2017: 24 requests

2016: 23 requests

2015: 19 requests

2014: 9

2013: 9

2012: 7

2011: 8

I hope this is helpful for now. Happy to send any of our requests and productions as we discussed, or brainstorm other ways to try to produce aggregate data for context. Just let me know.

Sarah

Sarah London

Chief, General Counsel and Administrative Law Division

Vermont Attorney General's Office

--  
// SEVEN DAYS //

:: Alicia Freese

:: Staff Writer

:: <http://sevendaysvt.com>

:: 802.343.8047

:: twitter: @aliciafreese

## Diamond, Joshua

---

**From:** Diamond, Joshua  
**Sent:** Wednesday, March 29, 2017 9:26 PM  
**To:** Natalie Silver (Natalie.Silver@vermont.gov)  
**Cc:** TJ Donovan (Thomas.Donovan@vermont.gov)  
**Subject:** FW: TJ Interview

Natalie,

Please set up a call for TJ on Friday morning.

Thanks. Josh

Joshua R. Diamond, Deputy Attorney General  
Vermont Attorney General's Office  
109 State Street  
Montpelier, Vermont 05609  
802-828-3175  
joshua.diamond@vermont.gov

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**From:** Alicia Freese [mailto:[alicia@sevendaysvt.com](mailto:alicia@sevendaysvt.com)]  
**Sent:** Wednesday, March 29, 2017 9:02 PM  
**To:** Diamond, Joshua <[Joshua.Diamond@vermont.gov](mailto:Joshua.Diamond@vermont.gov)>  
**Subject:** Re: TJ Interview

Thanks for getting back to me. Friday is indeed after my editor-imposed deadline but it's still before we go to print, and I'd really like his perspective in the story, so I'll take you up on that. If we can set something up for Friday morning, that would be great.

Sent from my iPhone

On Mar 29, 2017, at 8:42 PM, Diamond, Joshua <[Joshua.Diamond@vermont.gov](mailto:Joshua.Diamond@vermont.gov)> wrote:

Alicia,

TJ is going to be traveling tomorrow for a legal conference and does not have availability. He'll be back on Friday and we can make some time then. I suspect this may be after the deadline, but wanted to reach out.

Best, Josh

Joshua R. Diamond, Deputy Attorney General  
Vermont Attorney General's Office  
109 State Street  
Montpelier, Vermont 05609  
802-828-3175  
[joshua.diamond@vermont.gov](mailto:joshua.diamond@vermont.gov)

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## Diamond, Joshua

---

**From:** Diamond, Joshua  
**Sent:** Wednesday, March 29, 2017 8:43 PM  
**To:** 'Alicia Freese'  
**Subject:** TJ Interview

Alicia,

TJ is going to be traveling tomorrow for a legal conference and does not have availability. He'll be back on Friday and we can make some time then. I suspect this may be after the deadline, but wanted to reach out.

Best, Josh

Joshua R. Diamond, Deputy Attorney General  
Vermont Attorney General's Office  
109 State Street  
Montpelier, Vermont 05609  
802-828-3175  
joshua.diamond@vermont.gov

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## Diamond, Joshua

---

**From:** Diamond, Joshua  
**Sent:** Wednesday, March 29, 2017 11:59 AM  
**To:** Alicia Freese  
**Subject:** Re: meeting tomorrow

Feel free to call Chris Curtis at 802 279 5496.

Sent from my iPhone

On Mar 29, 2017, at 11:27 AM, Alicia Freese <[alicia@sevendaysvt.com](mailto:alicia@sevendaysvt.com)> wrote:

Hi Josh,

Any progress lining up interviews? Given my time constraints, is it possible for me to reach out directly to some of the folks?

Alicia

On Wed, Mar 29, 2017 at 7:36 AM, Alicia Freese <[alicia@sevendaysvt.com](mailto:alicia@sevendaysvt.com)> wrote:  
Thanks, Josh. Keep me posted!

Sent from my iPhone

On Mar 29, 2017, at 7:15 AM, Diamond, Joshua <[Joshua.Diamond@vermont.gov](mailto:Joshua.Diamond@vermont.gov)> wrote:

Alicia,

My cell is [802 595 8317](tel:8025958317).

It may be difficult to get all the folks you have identified for an interview.

Let me work on that and we'll see what can be done.

Josh



Joshua R. Diamond, Deputy Attorney General

Vermont Attorney General's Office

109 State Street

Montpelier, Vermont 05609

802-828-3175

[joshua.diamond@vermont.gov](mailto:joshua.diamond@vermont.gov)

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**From:** Alicia Freese [<mailto:alicia@sevendaysvt.com>]  
**Sent:** Tuesday, March 28, 2017 3:53 PM  
**To:** Diamond, Joshua <[Joshua.Diamond@vermont.gov](mailto:Joshua.Diamond@vermont.gov)>  
**Subject:** meeting tomorrow

Hi Joshua,

I'm confirming our interview at 4:30 tomorrow. I don't think I have your cell, so you can either send it to me, or call me on mine— 343-8047.

I'm also hoping to schedule interviews with Chris Curtis, David Scherr, Sarah London and Ted Hobson. And I'd like to chat with the AG himself about the team he's assembled. I know that's a lot; happy to discuss it further if this doesn't sound feasible.

Thanks for your help on this,

Alicia

--

// SEVEN DAYS //  
:: Alicia Freese  
:: Staff Writer  
:: <http://sevendaysvt.com>  
:: 802.343.8047  
:: twitter: @aliciafreese

--

// SEVEN DAYS //  
:: Alicia Freese  
:: Staff Writer  
:: <http://sevendaysvt.com>

:: 802.343.8047

:: twitter: @aliciafreese

## Diamond, Joshua

---

**From:** Diamond, Joshua  
**Sent:** Wednesday, March 29, 2017 7:16 AM  
**To:** 'Alicia Freese'  
**Subject:** RE: meeting tomorrow

Alicia,

My cell is 802 595 8317.

It may be difficult to get all the folks you have identified for an interview.

Let me work on that and we'll see what can be done.

Josh

Joshua R. Diamond, Deputy Attorney General  
Vermont Attorney General's Office  
109 State Street  
Montpelier, Vermont 05609  
802-828-3175  
joshua.diamond@vermont.gov

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**From:** Alicia Freese [mailto:[alicia@sevendaysvt.com](mailto:alicia@sevendaysvt.com)]  
**Sent:** Tuesday, March 28, 2017 3:53 PM  
**To:** Diamond, Joshua <[Joshua.Diamond@vermont.gov](mailto:Joshua.Diamond@vermont.gov)>  
**Subject:** meeting tomorrow

Hi Joshua,

I'm confirming our interview at 4:30 tomorrow. I don't think I have your cell, so you can either send it to me, or call me on mine— 343-8047.

I'm also hoping to schedule interviews with Chris Curtis, David Scherr, Sarah London and Ted Hobson. And I'd like to chat with the AG himself about the team he's assembled. I know that's a lot; happy to discuss it further if this doesn't sound feasible.

Thanks for your help on this,

Alicia

--

// SEVEN DAYS //  
:: Alicia Freese  
:: Staff Writer  
:: <http://sevendaysvt.com>  
:: [802.343.8047](tel:802.343.8047)  
:: twitter: @aliciafreese

## Diamond, Joshua

---

**From:** Treadwell, John  
**Sent:** Monday, April 10, 2017 2:57 PM  
**To:** Diamond, Joshua  
**Subject:** FW: VTDigger: records request

The second VTDigger request re Cynthia Diaz -

**From:** Dan Schwartz [mailto:daniel.james.schwartz@gmail.com]  
**Sent:** Sunday, February 19, 2017 7:34 PM  
**To:** Treadwell, John <john.treadwell@vermont.gov>  
**Cc:** Anne Galloway <AGALLOWAY@vtdigger.org>  
**Subject:** VTDigger: records request

Hi, Mr. Treadwell.

I emailed this request to the address [ago.info@vermont.gov](mailto:ago.info@vermont.gov), but I also wanted to make sure it reached you directly. Please consider this email a public records request under Vermont's Public Records Law (V.S.A. §§ 315-320) with the Attorney General's Office for the following information:

-- all records pertaining to an offshore bank account in the Pribanco International LTD Bank in the Bahamas or any other bank account in the Bahamas kept by Cynthia Diaz, town clerk, treasurer and delinquent tax collector of Coventry, or kept by any of her associates;

-- all records pertaining to wire transfers from Panama to Diaz;

-- all records pertaining to Diaz's CPA, Randall Northrup, who prepared Diaz's tax returns for the periods 2003 to 2009;

-- all records pertaining to an audit conducted in Coventry approximately between 2005 and 2007 by CFE Anne Marie Mooney and all records pertaining to all other audits of the town;

-- all internal communications regarding the tax evasion case against Diaz that this office built approximately between 2008 and 2011;

-- all communications between this office and William (or Bill) Davies, Coventry's attorney, regarding the aforementioned tax evasion case;

-- all communications between this office and the IRS regarding said tax evasion case, and;

-- all other records pertaining to the investigation into Diaz.

Under the Public Records Law, the requested documents are to be made available within three business days of receiving my request. If the records are in active use or in storage, a records custodian shall set a time within seven days of the attorney general's office receiving my request to provide access to the records.

If fees are assessed for copying records, please alert me so that I may inspect the records on sight instead, which I understand is free based on a 2011 ruling by Washington Superior Court Judge Geoffrey Crawford in VSEA v. the state. Please also alert me of any other assessed fees before processing my request.

If more information is needed or you believe my request can be narrowed, feel free to contact me.

Thank you.

- Dan Schwartz  
VTDigger, freelance reporter  
774-644-2207

## Diamond, Joshua

---

**From:** Diamond, Joshua  
**Sent:** Thursday, April 6, 2017 4:35 PM  
**To:** 'Mark Johnson'  
**Subject:** RE: Ethics Commission

Mark,

Please give a call on my cell at 595-8317. Regards, Josh

Joshua R. Diamond, Deputy Attorney General  
Vermont Attorney General's Office  
109 State Street  
Montpelier, Vermont 05609  
802-828-3175  
joshua.diamond@vermont.gov

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**From:** Mark Johnson [mailto:mjohnson@vtdigger.org]  
**Sent:** Thursday, April 6, 2017 3:39 PM  
**To:** Diamond, Joshua <Joshua.Diamond@vermont.gov>  
**Subject:** Ethics Commission

Hi Joshua -- Could you please share with me the correspondence you had with House Government Operations on the constitutionality of S. 8.

Thanks for your help.

Mark



## Diamond, Joshua

---

**From:** Diamond, Joshua  
**Sent:** Monday, April 3, 2017 7:31 PM  
**To:** 'Anne Galloway'; Donovan, Thomas  
**Subject:** RE: Redacted Cynthia Diaz records

Anne,

Do you have time later this week to discuss?

Late Thursday or Friday afternoon should work on my end...please let me know.

Best, Josh

Joshua R. Diamond, Deputy Attorney General  
Vermont Attorney General's Office  
109 State Street  
Montpelier, Vermont 05609  
802-828-3175  
joshua.diamond@vermont.gov

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**From:** Anne Galloway [mailto:agalloway@vtdigger.org]  
**Sent:** Thursday, March 30, 2017 8:47 AM  
**To:** Donovan, Thomas <Thomas.Donovan@vermont.gov>  
**Cc:** Diamond, Joshua <Joshua.Diamond@vermont.gov>  
**Subject:** Redacted Cynthia Diaz records

Dear Vermont Attorney General TJ Donovan:

Thank you for reviewing the attached records.

The VAG investigated Cynthia Diaz some years ago. She was charged with two misdemeanor offenses. The case is closed. So I don't understand why the deposition (attached) has been redacted.

I look forward to your response.

Best,  
Anne

--

Anne Galloway  
Editor, VTDigger.org  
Executive Director, Vermont Journalism Trust  
97 State St., Montpelier, VT 05602  
cell 802-595-9159  
@GallowayVTD  
<http://vtdigger.org>



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## Diamond, Joshua

---

**From:** Curtis, Christopher  
**Sent:** Monday, April 3, 2017 4:49 PM  
**To:** Diamond, Joshua  
**Subject:** FW: other states  
**Attachments:** States Chart.doc

FYI... had a good conversation with Erin Mansfield about this bill. See below re: comments.

Christopher J. Curtis  
State of Vermont  
Office of the Attorney General  
Chief, Public Protection Division  
802-828-5586  
christopher.curtis@vermont.gov

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**From:** Curtis, Christopher  
**Sent:** Monday, April 03, 2017 4:48 PM  
**To:** 'emansfield@vtdigger.org' <emansfield@vtdigger.org>  
**Subject:** other states

Hi Erin,

Just wanted to provide you with some follow-up on your question. Attached please find a chart that illustrates what some other states have done as far as requiring written contracts for home improvement work (again, this is intended to be illustrative, not exhaustive, there may be other statutes out there that I have not had time to review yet). I hope this is useful.

I would like to add to my remarks if you have space:

**"I want to thank Sen. Mullin and his committee for their hard work on the home improvement section of the bill. It's an important issue as so many Vermonters who contact our office can attest. While it appears there was initially a difference of opinion about what the monetary threshold for written home improvement contracts should be, the Senate deserves credit for bringing the threshold amount closer to what other states are doing in this area. We are pleased that the bill has passed the Senate and welcome continuing the conversation in the House."**

Thanks again for your interest in this story.

Christopher J. Curtis  
State of Vermont  
Office of the Attorney General  
Chief, Public Protection Division  
802-828-5586

christopher.curtis@vermont.gov

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## Diamond, Joshua

---

**From:** Anne Galloway <agalloway@vtdigger.org>  
**Sent:** Thursday, March 30, 2017 8:47 AM  
**To:** Donovan, Thomas  
**Cc:** Diamond, Joshua  
**Subject:** Redacted Cynthia Diaz records  
**Attachments:** CCF07032017\_2.pdf; CCF07032017\_3.pdf

Dear Vermont Attorney General TJ Donovan:

Thank you for reviewing the attached records.

The VAG investigated Cynthia Diaz some years ago. She was charged with two misdemeanor offenses. The case is closed. So I don't understand why the deposition (attached) has been redacted.

I look forward to your response.

Best,

Anne

--

Anne Galloway  
Editor, VTDigger.org  
Executive Director, Vermont Journalism Trust  
97 State St., Montpelier, VT 05602  
cell 802-595-9159  
@GallowayVTD  
<http://vtdigger.org>



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## Diamond, Joshua

---

**From:** Treadwell, John  
**Sent:** Wednesday, March 29, 2017 4:37 PM  
**To:** Diamond, Joshua; London, Sarah  
**Subject:** FW: Denial of Cynthia Diaz records to VTDigger

FYI –

**From:** Treadwell, John  
**Sent:** Wednesday, March 29, 2017 4:36 PM  
**To:** 'Anne Galloway' <agalloway@vtdigger.org>  
**Cc:** Dan Schwartz <daniel.james.schwartz@gmail.com>  
**Subject:** RE: Denial of Cynthia Diaz records to VTDigger

Dear Anne,

I have received your voice mail and this email correspondence. As noted below the March 6, 2017, letter from AAG Zachary Chen provides the information required under 1 V.S.A. § 318(a)(2) regarding an appeal and to whom such an appeal should be directed. The letter states:

To the extent that you consider that this response constitutes 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

To the extent that you seek to appeal the response in the March 6, 2017, letter that appeal should be directed to Deputy AG Diamond.

John

**From:** Anne Galloway [mailto:agalloway@vtdigger.org]  
**Sent:** Wednesday, March 29, 2017 4:11 PM  
**To:** Treadwell, John <john.treadwell@vermont.gov>  
**Cc:** Dan Schwartz <daniel.james.schwartz@gmail.com>; Diamond, Joshua <Joshua.Diamond@vermont.gov>; Donovan, Thomas <Thomas.Donovan@vermont.gov>  
**Subject:** Denial of Cynthia Diaz records to VTDigger

Dear John Treadwell:

Please review the attached.

How can the VAG claim an invasion of personal privacy, disclosure of a witness (who was identified as Mike Marcotte in a Jan. 2009 affidavit provided by the VAG), information from tax returns and information related to personal finances?

The document in question is a deposition in a court case in which Cynthia Diaz was convicted of two misdemeanors.

Whole pages have been deleted. Several are missing.

How are you fulfilling your legal obligation under the Vermont Public Records Act?

Anne

On Tue, Mar 28, 2017 at 12:00 PM, Treadwell, John <[john.treadwell@vermont.gov](mailto:john.treadwell@vermont.gov)> wrote:

Anne and Dan,

AAG Zachary Chen's March 6, 2017, response to your February 21, 2017, clearly indicates that if you consider the response a denial of your request for public records you may appeal that decision. The letter provides the information required under 1 V.S.A. § 318(a)(2) regarding such an appeal and to whom such an appeal should be directed.

John

**From:** Anne Galloway [<mailto:agalloway@vtdigger.org>]  
**Sent:** Monday, March 27, 2017 4:33 PM  
**To:** Treadwell, John  
**Cc:** Dan Schwartz  
**Subject:** Re: VTDigger: requesting Vaughn Index

Hi John,

Under the Vermont Public Records Act, you are required to provide a description of what was withheld.

Please do so.

Thanks,

Anne Galloway

On Mon, Mar 27, 2017 at 4:30 PM, Treadwell, John <[john.treadwell@vermont.gov](mailto:john.treadwell@vermont.gov)> wrote:

Hi Dan,

I have reviewed the PRA response that was sent to you by AAG Zachary Chen on March 6, 2017. 1 V.S.A. § 318(a)(2) does not require a Vaughn Index. I respectfully decline to prepare and provide one to you.

John

John Treadwell

Assistant Attorney General

Vermont Attorney General's Office

109 State Street

Montpelier, VT 05609

tel: 802-828-5512

fax: 802-828-2154

e-mail: john.treadwell@vermont.gov

**Please note my new email address.**

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**From:** Dan Schwartz [mailto:daniel.james.schwartz@gmail.com]

**Sent:** Friday, March 24, 2017 12:17 PM



**To:** Treadwell, John <[john.treadwell@vermont.gov](mailto:john.treadwell@vermont.gov)>  
**Cc:** Anne Galloway <[AGALLOWAY@vtdigger.org](mailto:AGALLOWAY@vtdigger.org)>  
**Subject:** VTDigger: requesting Vaughn Index

Hi, John.

On March 7, your office delivered documents to The Vermont Digger in response to a public records request that I had emailed you on Feb. 21 regarding Cynthia Diaz.

The documents, however, are substantially redacted. Please provide me a Vaughn Index, citing a reason for each and every redaction contained within the 66-page stack of public documents.

Should you have any questions, feel free to call me on my cell phone: [774-644-2207](tel:774-644-2207).

Thank you.

- Dan Schwartz

VTDigger, freelance reporter

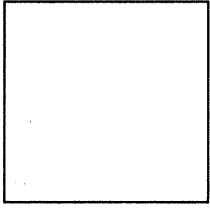
[774-644-2207](tel:774-644-2207)

--

Anne Galloway

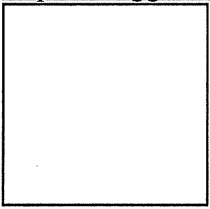
Editor, VTDigger.org  
Executive Director, Vermont Journalism Trust

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--  
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[@GallowayVTD](mailto:@GallowayVTD)  
<http://vtdigger.org>



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## Diamond, Joshua

---

**From:** John Hollar <jhollar@drm.com>  
**Sent:** Tuesday, March 21, 2017 1:02 PM  
**To:** Diamond, Joshua  
**Subject:** Fwd: Link to ICE report  
**Attachments:** DOC032117-03212017101019.pdf; ATT00001.htm

Fyi.

Begin forwarded message:

From: "Anthony Facos" <AFacos@montpelier-vt.org<mailto:AFacos@montpelier-vt.org>>  
To: "William Fraser" <WFraser@montpelier-vt.org<mailto:WFraser@montpelier-vt.org>>, "John Hollar" <jhollar@drm.com<mailto:jhollar@drm.com>>  
Subject: Fwd: Link to ICE report

Sent from my iPhone

Begin forwarded message:

From: NEIL MARTEL <NMartel@montpelier-vt.org<mailto:NMartel@montpelier-vt.org>>  
Date: March 21, 2017 at 9:26:34 AM PDT  
To: PR- Vermont Digger <ehewitt@vtdigger.org<mailto:ehewitt@vtdigger.org>>  
Cc: Anthony Facos <AFacos@montpelier-vt.org<mailto:AFacos@montpelier-vt.org>>  
Subject: FW: Link to ICE report

Elizabeth,

Here is Montpelier's current policy on Fair & Impartial Policing. I left you message after I looked at the attachment. I think our policy reflects that we would not hold on the basis of an ICE detainer(civil) alone and would require a judicial issued warrant (criminal) in addition to the ICE detainer. This is also the recommended course of action in AG Donovan's recent guidance directive to Vermont municipalities regarding immigration enforcement.

Thanks

Neil Martel  
Captain Montpelier Police

From: PR- Vermont Digger  
Sent: Tuesday, March 21, 2017 12:04 PM  
To: NEIL MARTEL  
Subject: Link to ICE report

Cpt. Martel,

Thanks for your help today. The ICE report, published yesterday, is available here:

[https://www.ice.gov/doclib/ddor/ddor2017\\_01-28to02-03.pdf](https://www.ice.gov/doclib/ddor/ddor2017_01-28to02-03.pdf)<[https://www.ice.gov/doclib/ddor/ddor2017\\_01-28to02-03.pdf](https://www.ice.gov/doclib/ddor/ddor2017_01-28to02-03.pdf)>

Montpelier is mentioned on page 23.

Elizabeth

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Elizabeth Hewitt

Reporter, VTDigger.org<<http://VTDigger.org>>

802.917.3870

## Diamond, Joshua

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**From:** John Hollar <jhollar@drm.com>  
**Sent:** Tuesday, March 21, 2017 1:02 PM  
**To:** Diamond, Joshua  
**Subject:** Fwd: ICE report

See page 23.

Begin forwarded message:

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From: Elizabeth Hewitt <ehewitt@vtdigger.org<mailto:ehewitt@vtdigger.org>>  
Date: March 21, 2017 at 10:05:59 AM EDT  
To: <jhollar@drm.com<mailto:jhollar@drm.com>>  
Subject: ICE report

<https://www.ice.gov/declined-detainer-outcome-report><<https://www.ice.gov/declined-detainer-outcome-report>>

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Elizabeth Hewitt  
Reporter, VTDigger.org<<http://VTDigger.org>>  
802.917.3870

## 2017 Public Records Requests

Request Title	Request Details.	Request ID	Division	Received Date.	Action Taken	Denied Reason	Exemption Type	Status	Requestor Name	Format Description (if other)
Roberts, Leonard PRR	Requests all releasable related documents, including the investigative report involving the following individuals: <a href="#">Rebel Roberts</a> ; <a href="#">Patric Roberts</a> & <a href="#">James Roberts</a>	2017-00164	Criminal	1/9/2017	Fulfilled			Closed	Roberts, Rebel	26 pages produced (redacted)
Diaz, Cynthia Investigation by Dan Schwartz	Request for all documents related to active or inactive investigations or pending or non-pending charges involving Cynthia Diaz in her role as either Coventry town clerk, delinquent tax collector, treasurer or a citizen of Vermont	2017-00261	Criminal	1/17/2017	Fulfilled in part	Exemption	Personal documents - 1 V.S.A. § 317(c)(7)	Open	Schwartz, Dan	162 pages of records produced
Tribe, Tribal Entity or Tribal Trade Name by Thomas J. Bath, Jr.	All correspondence to/from any Tribe, Tribal Entity, or Tribal Trade Name concerning, regarding or referencing such Tribe, Tribal Entity or Tribal Trade Name engaging in consumer online lending from January 1, 2011 to present	2017-00290	CP/AT	1/17/2017	Fulfilled			Closed	Bath, Thomas J.	399 pages produced; 88 documents and 15 emails saved on a CD and mailed with cover letter
Gasoline Prices by Madeline Prebil	Request for copies of all communications and consumer complaints from January 1, 2008 to present between - to and from - the Office of the Attorney General of Vermont and the Federal Trade Commission and all employees or representatives of the Office of the U.S. Senator Berna5rd Sanders related to gasoline prices in the greater Burlington, Vermont area (Chittenden, Grand Isle and Franklin Counties)	2017-00496	CP/AT	1/24/2017	Fulfilled			Closed	Prebil, Madeline	36 pages produced
Global Warming Initiatives by Hardin, Richardson & Mandelbaum	Request for copies of all emails, including attachments, sent to or from (including also as cc: or bcc:) Bill Sorrell or Scot Kline, which correspondence uses any of the following terms, anywhere in the email, including in the body, To, From, cc: and/or bcc: or Subject fields: a) "Steyer;" b) "Fahr;" and c) "Fahrlic.com"	2017-00503	Environmental	1/25/2017	Fulfilled			Closed	Hardin, Matthew D.	666 pages produced; 36 emails placed in <a href="https://files.acrobat.com/a/preview/f167ac8-8de842ch-9a81-2fcad32c0b4">https://files.acrobat.com/a/preview/f167ac8-8de842ch-9a81-2fcad32c0b4</a>

## 2017 Public Records Requests

Giraud, Dennis and Loomis, Seth PRR	Request for "access to all records related to: The Investigation of Vermont State Troopers Dennis Giraud, and Seth Loomis in connection with the 5/28/2014, shooting of Eric D. Jackson (DOB 11/23/1986)."	2017-00803	Criminal	2/1/2017	Fulfilled in part	Exemption	Dispute resolution; public service - 1 V.S.A. § 317(c)(27)	Inactive	Jackson, Eric	325 pages produced
Neil Gorsuch, Judge by Allan Blutstein	Request for any email sent or received by the Attorney General or Deputy Attorney General from January 31, 2017 through February 1, 2017 that mentions or refers to Judge Neil Gorsuch, excluding any news articles or other public source material	2017-00880	GCAL	2/7/2017	Denied	Records Do Not Exist		Closed	Blutstein, Allan	No responsive records found
PC Purchase Orders by Frankie Polaczek	Request for copies of any PC purchase orders with connected quotes made by the AGO dated from 12/7/16-2/7/17 to include purchase order number, PC model, PC specifications, mfg/sku number, unit price, total price, vendor and date	2017-00926	GCAL	2/7/2017	Fulfilled			Closed	Polaczek, Frankie	3 pages produced
Quality Care Pool and Spa/Jonathan Kirk by Detective Corporal Mark Jacobs	Seeking all documents pertaining to Quality Care Pool and Spa owned by Jonathan Kirk	2017-01052	CAP	2/3/2017	Fulfilled			Closed	Detective Corporal Mark Jacobs	1 page produced
Vermont Vapor e-cigarette Company by Adam Federman	Any and all correspondence between VTTrans AAG Toni Hamburg-Clithero and the AGO regarding the Castleton, VT e-cigarette company Vermont Vapor between 2015 and the present	2017-01131	GCAL	2/7/2017	Fulfilled in part	Exemption	Personal documents - 1 V.S.A. § 317(c)(7)	Closed	Federman, Adam	1 page produced
Diaz, Cynthia / Offshore Accounts by Dan Schwartz	all records pertaining to an offshore bank account or any bank account in the Bahamas; wire transfers from Panama to Diaz; all records pertaining to Randall Northrup who prepared Diaz's tax returns 2003-2009; records related to 2008-2011 tax evasion case	2017-01155	Criminal	2/21/2017	Fulfilled in part	Exemption	Confidential by law - 1 V.S.A. § 317(c)(1)	Closed	Schwartz, Dan	66 pages produced

## 2017 Public Records Requests

Inmate Recreation Fund at SSCF by Eric Daniel Jackson	Requesting an itemized list of all purchases made with the inmate recreation fund; money allocated to the fund and how that amount was determined	2017-01312	GCAL	2/22/2017	Denied	Records Do Not Exist		Closed	Jackson, Eric	No records found
Generac Power Systems, Inc. by Lauren C. Vrana	Request for all consumer complaints received on or after January 1, 2007	2017-01658	CP/AT	2/27/2017	Fulfilled in part	Exemption	Personal documents - 1 V.S.A. § 317(c)(7)	Closed	Vrana, Lauren C.	29 pages produced (redacted)
Vermont Branded Locally Grown Marketing Program by Tracy Schuhmacher	Request for a list of actions that Vermont AGO has taken pursuant to the Vermont Origins Rule from 2012 to present	2017-01724	CP/AT	3/2/2017	Fulfilled			Closed	Schuhmacher, Tracy	13 pages produced
Cisco Hardware Purchase Orders by Michael Hall	Request for any purchase orders with connected quotes made by the AG of Cisco Hardware products from 1/1/2017 - 2/27/2017	2017-01733	GCAL	2/27/2017	Denied	Records Do Not Exist		Closed	Hall, Michael	No records found
Jackson, Eric PRR 2	Eric Jackson requests all records related to Docket No's. 87-9-14 Excr and 434-10-14 Oecr. All discovery material, affidavits, statements, witness lists, etc. in relation to the fore mentioned case(s).	2017-01919	Criminal	3/10/2017	Denied	Records Do Not Exist		Closed	Jackson, Eric	No records found
TeleMDCentral Consumer Complaints by Zsolt Bobis	Request for consumer complaints related to TeleMDCentral (telemdcentral.com; address: 70 S. Winoski Ave., Suite #209, Burlington, VT 05401 from 2014-2017. Key terms: "telemdcentral.com," "telemd central," "telemdcentral," or tele mdcentral"	2017-02002	CP/AT	3/20/2017	Denied	Records Do Not Exist		Closed	Bobis, Zsolt	No records found
Debt Collection Companies Complaints by Teri Doerr of WebRecon LLC Billing	Request for consumer complaints filed against financial, legal or debt collection companies with the AGO between 4/1/16 - 2/28/17	2017-02009	CAP	3/14/2017	Fulfilled			Closed	Doerr, Teri	4 pages produced (spreadsheet)



## 2017 Public Records Requests

Kubler, Carol v. The Heritage Automotive Group, Inc. by Benjamin J. Traverse, Esq.	Request for a copy of the Civil Rights Unit investigative file in Carol Kubler v. The Heritage Automotive Group, Inc.; FEPA File No. 2014-7922; EEOC No. 16K-2015-00009C	2017-02061	Civil Rights	2/15/2017	Fulfilled in part	Exemption	Confidential by law - 1 V.S.A. § 317(c)(1)	Closed	Traverse, Benjamin J.	62 pages produced
Debt Collection Complaints filed with CAP by Katie Jickling	Request for debt collection complaints filed with CAP from 2016	2017-02066	CAP	2/8/2017	Fulfilled			Closed	Jickling, Katie	266 pages in 34 files produced
Vernon Voters Alliance by Bob Audette	Request for a copy of a letter from the Vernon Voters Alliance; copy of Windham County Sheriff's Department Report	2017-02071	GCAL	3/21/2017	Fulfilled in part	Exemption	Criminal or disciplinary investigation - 1 V.S.A. § 317(c)(5)	Closed	Audette, Bob	21 pages produced
Alibozek, Gary v. General Electric Company	Request for a copy of the complete CRU investigation file regarding Gary Alibozek v. General Electric Company; File #2015-07651; EEOC File No. 16K-2016-00012C	2017-02276	Civil Rights	2/10/2017	Fulfilled in part	Exemption	Confidential by law - 1 V.S.A. § 317(c)(1)	Closed	Dailey, Michele	143 pages and 1 audio file produced
Investigation of Gasoline Pricing by Joshua L. Simonds	Request for public records regarding any investigation into potential violations of law related to the pricing and sale of unleaded gasoline within Vermont	2017-02279	CP/AT	3/30/2017				Open	Simonds, Joshua	Still pending
Barre Store It All CAP Complaints by Ashley Hill	All complaints filed with CAP against Barre Store It All, 170 Quarry Hill Road, Barre, VT 05641	2017-02317	CAP	3/29/2017	Fulfilled			Closed	Hill, Ashley	33 pages produced
LaCourse Mobile Homes by Detective Mark Jacobs	Request for any complaints regarding JR LaCourse Mobile and Modular Home or LaCourse and Son Mobile Home Service	2017-02437	CAP	4/3/2017	Fulfilled			Closed	Detective Corporal Mark Jacobs	7 pages produced
<b>TOTAL</b>									<b>2,263 PAGES PRODUCED</b>	