

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

TEL: (802) 828-3171
FAX: (802) 828-3187

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

<http://www.ago.vermont.gov>

WILLIAM E. GRIFFIN
CHIEF ASST. ATTORNEY
GENERAL



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

November 22, 2017

MuckRock News
31887-48403165@requests.muckrock.com
411A Highland Ave.
Sommerville, MA 02144-2516

Dear MuckRock.com Reporters Beryl Lipton, Caroline Curtis, Joseph Cox, Jasper Craven, Craig Corliss-McDermott, and Brandon Smith:

Please find below responses to your eleven public record act requests from November 2017. Please note, due to the volume of pending public record act requests, the Attorney General's Office will require additional time to continue to process some of your requests, as noted below.

- (1) You have asked for: "all contracts, memorandums of agreements, nondisclosure agreements, electronic communications and any other materials exchanged or entered into with, regarding, or referencing Theranos [<https://www.theranos.com>] or any representative thereof."

Response: The Attorney General's Office does not have records responsive to this request.

- (2) You have also asked for: "any and all policies, procedures, directives, memorandums, and any other guiding materials regarding matters pertaining to firearm acquisition, licensure, use, and transfer, including but not limited to:
 - policies and procedures on the issuance of firearms permits and licenses. (Please note that this point is not a request for the identities of individual permit or license holders, but, rather, is a request for governmental policies and parameters regarding the process and regulations by which one may obtain either a permit or a license. If separate strictures exist for each, provision of both would be greatly appreciated.)
 - policies and procedures on the revocation of firearms permits and licenses.
 - any and all available policies and procedures regarding local firearms policies. Please provide all such materials that alter or supplement departmental procedures.
 - policies and procedures regarding the sale and purchase of firearms. Please include all materials regarding the appropriate qualifications for the sale or purchase of firearms. Please include materials for particular venues, if available, including but not limited to the sale and purchase of firearms at gun shows.

- policies and procedures regarding the transfer, either out-of-state or between individuals, of firearms.

Please include all available segregable data.

Please also provide all available data, statistics, or reports regarding matters pertaining to gun acquisition, licensure, use, and transfer, including, but not limited to, the following:

- the issuance of firearms permits and licenses.
- the revocation of firearms permits and licenses.
- incidents involving the use of a firearm.
- the sale and purchase of firearms.
- the transfer, either out-of-state or between individuals, of firearms.”

Response: The Attorney General’s Office does not issue firearm licenses or permits, and does not collect the data you have requested. In addition, the Attorney General’s Office is not the custodian of firearm policies and procedures of local police departments. Regarding incidents involving the use of a firearm, please note all press releases of the Attorney General’s Office are publicly available at: <http://www.ago.vermont.gov/>. To the extent you seek records related to a specific incident involving a firearm that was handled by the Attorney General’s Office, we ask that you clarify your request.

- (3) You have also asked for: “records regarding the acquisition, maintenance, upgrade and subscription costs of mobile phone forensics software and/or hardware, including invoices, purchases orders, contracts, loan agreements, procurement documents (but not limited to solicitation documents or notices of proposed contracts, proposed bids, unsolicited proposals, and/or documents justifying contracting without full and open competition), correspondence with companies providing the software and/or hardware (including, but not limited to Cellebrite, IP-Box, Kessler, and COMPELSON Labs), and similar documents, from January 1st 2010 to the date of this request.”

Response: The Attorney General’s Office is still seeking to gather potentially responsive records for this request. Based on information available to date, we do not expect significant costs. We will follow up with a further response in the coming weeks.

- (4) You have also asked for: “any visitor logs mentioning Transportation Secretary Sue Minter between Jan.1 and December 25, 2015. In addition, I am requesting any emails between Minter’s office and the AG’s office, specifically the General Counsel and Administrative Law unit.”

Response: The Attorney General’s Office does not keep visitor logs. Regarding your request for emails, please be aware that legal services for the Agency of Transportation are provided by the Attorney General’s Office, specifically the General Counsel and Administrative Law Division. Most of your request (January to September 2015) appears to call for all communications between Secretary Minter and her lawyers. All such communications would need to be reviewed, and many are likely to be exempt from disclosure as attorney client communications. We are happy to provide you with a cost estimate associated with processing this

request, but ask that you clarify the scope of your request. In addition, to facilitate the processing of your request and to reduce costs, we ask that you consider narrowing your request to a particular topic or to particular members of the General Counsel and Administrative Law Division.

- (5) You have also asked for: “any and all policies and procedures regarding the recount of federal, state, or local ballot initiatives, including all materials regarding the following specific points:
- All policies and procedures regarding the initiation of a request to recount votes regarding a particular candidate position or ballot initiative
 - All policies and procedures regarding the technical, practical measures for execution of a recount
 - All policies, procedures, and considerations regarding the cost and budget of an execution of a recount
 - All policies and procedures regarding the tallying and reporting of a vote recount.”

Response: The Attorney General’s Office is not the custodian of the records you request. You may wish to follow up with the Vermont Secretary of State’s Office.

- (6) You have also asked for: “all correspondence between the Vermont Attorney General’s office and the St. Johnsbury-based law firm Sleigh Law containing the key words “Burlington College” “BC” and/or “Jane Sanders” between Jan. 1 2016 and Jan. 1 2017.”

Response: Initial searches within the Attorney General’s Office reveal no records responsive to this request. If additional searches reveal potentially responsive records, we will follow up with additional information.

- (7) You have also asked for: “any and all information, including but not limited to all official communications, records, documents, investigative briefs, staff emails, inter and intra agency communications, including any items, notes or photos, along with pertinent, substantive and factually connected information not specifically listed here but connected to the prior listed and requested documents and or records, in any format, that exist, in connection to the criminal and agency management investigation of former Vermont Department of Risk Management employee; known and employed by Vermont department of risk management, under the legal name :LISA PADUZZI [sic]. This request is for any information obtained during and included within any investigations undertaken by the management within her former agency of employment and any and all criminal investigation material or documents related to Lisa Paluzzi(s)[sic] criminal investigation while employed by Vermont Department Of Risk Management.

This request is specifically asking for all investigation materials, all findings, records, schedules, bills, milage[sic] logs, expenses, photos, documents, notes, communications and any documentation used in or related to the prosecution, investigation and any inter agency communications, intra agency related communications and all communications which may exist regarding the

investigation as a whole also to include any agency support requests made during the Lisa Padduzzi[sic] investigation, also known as "agency assist" requests."

Response: Your request appears to seek records related to the criminal prosecution of former state employee Lisa Peduzzi. Initial searches reveal the following volume of potentially responsive records, and we expect the following estimated costs. If you are willing to pay associated costs, please let us know and we will proceed with processing your request. Please be aware, the Attorney General's Office may require payment in advance of providing records in response to your request pursuant to 1 V.S.A. § 316(c).

An initial search reveals approximately 3,940 pages of records that are potentially responsive to your request. We estimate that review and possible redactions of these records may take two or more minutes a page. Using a conservative estimate of two minutes per page, the time necessary to further process your request is likely to be 7880, or approximately 131 hours. 7880 minutes, minus the first 30 minutes, billed at the lowest possible rate under the Secretary of State's fee schedule (\$.33 a minute) is $7850 \times \$.33 = \2590.50 . If you are willing to pay these costs in advance of production, please confirm in writing and we will proceed with processing this request.

- (8) You have also asked for: "any information related to the payment of private contractors by the state of Vermont, The Vermont AG (Attorney General) office, the Vermont Judicial Bureau and the Vermont State Police.

The request is specifically asking for any official list's [sic], records or database access that will show the business interactions, industry origin or type of industry, name of business or private citizen and the amount of funds paid or credited to the private entity.

This request aims to obtain payment information not only for private entities that accepted state funds but also publicly generated or non profit donations for payment.

this request should include any independent but state run task forces that report to the offices or agencies included in and named in this request!"

Response: The Attorney General's Office is not the custodian of records of other state agencies, including the Vermont Judicial Bureau and the Vermont State Police. To the extent you seek records of other state agencies, you may wish to follow up with individual agencies directly. Also, information regarding State of Vermont contracts, grants, and other expenditures is publicly available at the following two websites:

<http://bgs.vermont.gov/purchasing-contracting/contract-info/current>
<http://spotlight.vermont.gov/>

To the extent you seek specific information about any particular payment by the Attorney General's Office to a particular entity, we ask that you clarify your request.

- (9) You have also asked for: "the full text of the last 10 public records requests made to your office's antitrust division--or where the antitrust division had to be brought in for the response--as well as the responses that your office made to those requests, in their entirety."

Response: The Attorney General's Office is working on posting public record act requests and responses on our website. We expect to have the information you seek publicly available over the next few weeks. Please check our website for more information.

- (10) You have also asked for: "any public documents referencing, regarding, or in concern of the planned sale of WhiteWave Foods Co. to Danone SA. This could include but is not limited to communications from within the AG's office; memos from within the office; reports; findings; or public statements. It necessarily includes any evaluation (or summary of an evaluation) as to whether to open an investigation or intervene in the case. If an investigation or intervention was undertaken by your office, it includes any investigative work or summaries/reports of work, if that investigation has concluded. If any document is deemed to contain a trade secret by either of these businesses, I request that the secret be redacted individually and that the document not be withheld in full."

Response: The Attorney General's Office does not have records responsive to this request.

- (11) You have also asked for: "all email correspondence between Colorado's Department of Revenue Marijuana Enforcement Division and the Vermont Attorney General's office since 2013."

Response: At this time, it is difficult to process this request for records across a four-year period based on the information you have provided. We will continue to seek to process this request and will further respond in the coming weeks. However, to facilitate searching in response to this request, we ask that you provide names, email addresses, or more information about relevant contacts in both Vermont and Colorado.

We hope the above information is helpful to you.

Sincerely,



Sarah London
Assistant Attorney General