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OFFICE OF THE ATTORNEY GENERAL
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MONTPELIER, VT
05609-1001

November 28, 2017

Benjamin E. Novogroski
Barr Law Group
125 Mountain Road
Stowe, VT 05672

Dear Mr. Novogroski:

I write in response to your public record act requests dated November 10, 2017, and addressed to the Attorney General's Office. You have asked for:

- Any and all documents related to the review and approval of Jay Peak EB-5 projects;
- Any and all records of communication between the Office of the Governor and Vermont Regional Center employees related to the EB-5 program and its projects since the year 2006;
- Any and all documents and communications related to the arrest, detainment or holding of any state employee while traveling overseas in promotion of the Vermont Regional Center and its related projects;
- Any and all content distributed, displayed or sponsored by state employees in the overseas promotion and marketing of the Vermont Regional Center EB-5 program and its projects;
- Any and all documents related to the FDA application and approval of the Jay Peak AnCBio VT Project; and

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- Any and documents related to the Act 250 permits, including dates of issuance for all Jay Peak Projects and the EB-5 program.

The requested records are relevant to pending litigation in which the State is a party of record. 1 V.S.A. § 317(c)(14). Specifically, the records are relevant to the pending matters *State v. Quiros, et al.*, Docket # 217-4-16 Wncv; and *Sutton, et al. v. Dept. of Fin. Reg. et al.*, Docket # 100-5-17, in which your firm represents the plaintiffs. Your request is therefore denied in full at this time. Please be aware, additional exemptions also apply in whole or in part to various records you have requested, including 1 V.S.A. § 317(c)(7) and § 317(c)(9), as the requested records include personal financial information of investors, and/or financial or proprietary information of a business or corporation. Finally, various records you have requested are subject to statutory or common-law privileges, and are exempt in whole or in part as otherwise confidential by law, 1 V.S.A. § 317(c)(1), or as attorney-client or otherwise privileged communications, 1 V.S.A. §§ (c)(3), (c)(4).

As a courtesy, please note that the Attorney General's Office has no records related to the "arrest, detainment or holding of any state employee while traveling overseas in promotion of the Vermont Regional Center and its related projects," and other state agencies have previously processed public record act requests similar to this request. The numerous Jay Peak/EB-5 related public record act requests fielded by the Department of Financial Regulation and the Agency of Commerce and Community Development prior to commencement of the above-noted litigation are available online. Please check the Department of Financial Regulation's website, (<http://www.dfr.vermont.gov/jay-peak-lawsuit>), for more information.

We hope the above information is helpful to you. To the extent you feel records have been wrongfully withheld, you may appeal to Deputy Attorney General Josh Diamond.

Sincerely,



Sarah London
Assistant Attorney General