

From: [Korn, Adam](#)
To: akeays@vtdigger.org
Subject: Public Records Request 2-16-18
Date: Thursday, March 1, 2018 2:46:22 PM
Attachments: [image001.png](#)
[image003.png](#)
[2018-03-01 Korn Initial Estimate to Keays.pdf](#)
[image005.png](#)
[image006.png](#)

Dear Mr. Keays:

Attached to this message, please find the initial cost estimate for your public records request dated February 16, 2018.

Sincerely,
Adam Korn

ADAM C. KORN

Special Assistant Attorney General

Vermont Attorney General's Office

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

March 1, 2018

Alan Keays
VTDigger
akeays@vtdigger.org

VIA E-MAIL

Re: Public Records Request 2-16-18

Dear Mr. Keays:

I am writing in response to your request for records that was received by the Vermont Attorney General's Office on February 16, 2018.

Request

Your request was for:

- any and all communications, including internal memos and emails, relating to the attorney general's office investigation of Guy Rouelle, the former director of the aviation program for the Agency of Transportation
- any and all documents and materials that are part of the investigation of Guy Rouelle, including information gathered from Vermont State Police and statements from Rouelle.

Response to Request

The Vermont Attorney General's Office has identified approximately 500 pages, 70 minutes of audio recordings, and at least 158 electronically stored e-mail messages that may be responsive to your request. This initial review required approximately three hours and fifteen minutes of staff work for which you will not be charged.

Information within the paper records may require redactions for the following or other reasons: disclosure would be of criminal investigation records that could reasonably be expected to constitute an unwarranted invasion of personal privacy, 1

Alan Keays
March 1, 2018

V.S.A. § 317(c)(5)(A)(iii); information may relate to personal finances, 1 V.S.A. § 317(c)(7); and/or certain communications or records of communications may be exempt under 1 V.S.A. § 317(c)(5)(4), which exempts documents “that, if made public pursuant to this subchapter, 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.” See *Killington, Ltd. v. Lash*, 153 Vt. 628, 641-48 (1990) (discussing the existence of attorney work-product privilege in Vermont prior to adoption of rules of procedure).

To review and determine applicability of exemptions, we estimate that approximately 1000 minutes (two minutes or more per page) of senior-level staff time will be necessary to review the paper records. That rate is currently set at \$.57 per minute. See “Uniform Schedule of Public Records Charges for State Agencies, Vermont Secretary of State,” available at <https://www.sec.state.vt.us/archives-records/certifications-fees/uniform-fee-schedule.aspx>. The Vermont Attorney General’s Office estimates that the total cost of complying with your request would be \$570 plus photocopies rated at .05 per page totaling \$20.

An audio recorded statement of the subject is responsive to your request. This audio recorded statement has not been transcribed, however this statement was summarized by an investigating law enforcement officer. The summary of the statement will be provided, absent any exempted material, however producing the audio recording will require review and potentially electronic redaction. This process would take a minimum of 70 minutes at \$.57 per minute (\$39.90) followed by costs incurred for electronically redacting exempt material. Alternatively, we could request an estimate for transcription of the audio material, transmit that estimate to you, and if that is amenable (1) order the transcription; (2) upon receipt review that transcription for exemptions; and (3) provide to you the redacted transcript.

We have identified at least 158 electronically stored e-mail messages that may be responsive to your request. Some of these messages constitute privileged material. Reviewing these messages will require approximately 158 minutes at \$.57 per minute totaling \$90.06.

We ask that you confirm your willingness to pay the above costs (totaling \$719.96) before we proceed further with processing your request. Alternatively, you may narrow your request or negotiate substitute arrangement for the audio recorded portion of the records.

Alan Keays
March 1, 2018

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Korn". The signature is fluid and cursive, with the first name "Adam" and last name "Korn" clearly distinguishable.

Adam C. Korn
Special Assistant Attorney General

cc: file