

**From:** [Boyce, Bonnie](#)  
**To:** [REDACTED]  
**Subject:** 2019-02-22 Doyle Response to Kulkin.pdf  
**Date:** Friday, February 22, 2019 8:06:36 AM  
**Attachments:** [2019-02-22 Doyle Response to Kulkin.pdf](#)

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Mr. Kulkin,

Attached is the response to your latest public records request.

Best,  
Bonnie

Bonnie Boyce  
AGO Records Officer  
Legal Assistant III  
Criminal Division  
Office of the Attorney General  
109 State Street  
Montpelier, VT 05609-1001  
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STATE OF VERMONT  
OFFICE OF THE ATTORNEY GENERAL  
109 STATE STREET  
MONTPELIER, VT  
05609-1001

February 22, 2019

VIA E-MAIL

To: Joey Kulkin

RE: February 7, 2019, Public Records Request

Dear Mr. Kulkin:

I am writing in response to your request for records, which the Vermont Attorney General's Office ("AGO") received on February 7, 2019.

Request

You have requested records that the AGO has in connection with the February 6, 2018 arrest of Max Misch for possession of high-capacity gun magazines.

Response

The AGO has located records in its possession that appear responsive to your request.

The records listed below were filed with the Vermont Superior Court, Criminal Division, Bennington County on February 7, 2019. Accordingly, although these records pertain to an ongoing criminal prosecution, it is the AGO's position that they are subject to production and inspection and are enclosed with this response. Some information within these records has been redacted pursuant to 1 V.S.A. §§ 317(c)(5)(A)(iii). Additionally, while federal courts interpreting the federal Freedom of Information Act have authorized the redaction of the names of investigating law enforcement officers and personnel employed by law enforcement agencies, the AGO is not redacting those names in this instance.

The records the AGO has in its possession that were filed with the Vermont Superior Court, Criminal Division, Bennington County on February 7, 2019 are as follows:

1. AGO Information Charging Max Misch with 2 Misdemeanor Counts of Possession of a Large Capacity Magazine (2 pages);
2. AGO Proposed Conditions of Release (2 pages);
3. Affidavit of Probable Cause of Det. Patrick Slaney (4 pages);
4. Search Warrant, Application, Affidavit and Return (8 pages);
5. Criminal citation (1 page);
6. VSP Arrest Summary Report (1 page)

Please note that there are other responsive records in our possession that are presently exempt from disclosure under the following statutory exemptions:

1. 1 V.S.A. § 317(c)(3), which applies to records “which, if made public ... would cause the custodian to violate duly adopted standards of ethics or conduct for any profession regulated by the State,” (Rules of Professional Conduct 3.6 applies); and
2. 1 V.S.A. § 317(c)(5)(A), which provides that records dealing with the investigation of a crime are exempt from production where production “(i) could reasonably be expected to interfere with enforcement proceedings”; and “(ii) would deprive a person of a right to a fair or an impartial adjudication.”

Please be advised that because the materials covered by your request contain records that require review and redaction, we will require payment to cover the cost associated with this time, which we have calculated as follows:

1. Attorney review of records: 15 minutes @ .57/minute (\$8.55)
2. Staff time for redaction of records: 35 minutes @ .33/minute (\$11.55).

Pursuant to 1 V.S.A. § 316(c), the first 30 minutes of staff time are exempt from billing (\$9.90). Therefore, the total amount payable to process your request is \$10.20. Should you wish to proceed with your request, please send a check in that amount to our office made payable to the State of Vermont. As soon as this payment is received, we will finish processing your request.

Please be advised that to the extent this letter 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  
Deputy Attorney General  
109 State Street  
Montpelier, VT 05609-1001.

Sincerely,

/s/  
Ultan Doyle  
Assistant Attorney General

Electronically submitted