

From: Clark, Charity <Charity.Clark@vermont.gov>

Sent: Tuesday, May 26, 2020 9:56 AM

To: D. S. <[REDACTED]>

Subject: RE: Response to public records requests April 29, 20 to May 5, 2020

Please see attached.

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

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

May 26, 2020

David Shaddy
[REDACTED]

Re: Vermont Public Records Act requests, dated April 29, 2020 to May 5, 2020

Dear Mr. Shaddy:

On May 20, 2020, I sent you our responses to your eight requests for public records, dated April 29, 2020 to May 5, 2020. You replied in an email dated May 21, 2020. Please consider this letter to be our further response to your request and your email.

1.	4/29/20	Records regarding the authority and jurisdiction of a “Judge Belcher” and a “State Prosecuting Attorney” of the “Office of State Prosecuting Attorneys.”
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On May 20, 2020, we responded to this request as follows:

As we have previously informed you [here](#), our response to your April 20, 2020 request for “any public records of, or relating to, a ‘Judge Belcher’” necessarily included all documents, not exempt from the Public Records Act, that would be responsive to your April 29, 2020 request. Again, that initial response is available on our website [here](#).

On May 21, 2020, you wrote:

I am unclear regarding the responses I have received concerning “Judge Belcher”. You sent me the correspondence identifying “Judge Belcher”, but seem unable to support the existence of such a judge. Please provide the basis for your claims of a “Judge Belcher” as there appears to be no supporting records.

No further response by our office is required.

2.	4/29/20	Records regarding or identifying what Vermont Court a “Judge Belcher” is assigned, appointed, and/or elected serve on the bench of.
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See response in No. 1 above.

3.	4/29/20	Records of the interests of the people of the state of Vermont a “State Prosecuting Attorney” of the “Office of State Prosecuting Attorneys” represents.
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On May 20, 2020, we responded to this request as follows:

This request is one of five of your requests that references “State Prosecuting Attorney” and one of 16 that references “Office of State Prosecuting Attorney.” As I informed you on [April 24, 2020](#) and again on [May 13, 2020](#):

[T]here is no such office as the ‘Vermont Office of State Prosecuting Attorneys.’ You may be referring to 3 V.S.A. § 129(c)(2), which recognizes a ‘State prosecuting attorney assigned by the Office of Professional Regulation [who] shall be responsible for prosecuting disciplinary cases before boards or administrative law officers.’ Attorneys who perform this work may be referred to as ‘State prosecuting attorneys.’

For the reasons stated above, the Attorney General’s Office has no records responsive to your request.

On May 21, 2020, you wrote:

Also, I am not referring to an attorney assigned by the OPR to prosecute cases before a board, “State Prosecution Attorney” is an alleged governmental official who prosecutes “State” cases. Please confer with Gabriel Gilman for further information regarding the official and “Office of the State Prosecuting Attorneys” of which the alleged official is an officer of.

No further response by our office is required.

4.	4/29/20	Records of Vermont laws which are “generally understood” not to apply to officers and staff of the Vermont Judicial Branch.
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On May 20, 2020, we responded to this request as follows:

In order for us to effectively respond to this request, you will need to provide clarity as to the specific records you seek.

Also, your use of quotation marks indicate that you may be quoting a document. If that is the case, it would be helpful to see this document. You can email it to AGO.PublicRecords@vermont.gov.

As a reminder, the Attorney General's Office does not and cannot provide legal advice or legal research to constituents.

On May 21, 2020, you wrote:

I have received correspondence from a staff member of the Vermont Judicial Branch which claims that Vermont court officers and staff are "generally understood" not to be subject to certain Vermont laws. I have requested records supporting the claim from them, and obviously, I am requesting the complementary records from the Vermont Attorney General as corroboration.

As you reference correspondence from the Vermont Judiciary, it appears that your request relates to records not in the custody of the Attorney General's Office. As a further reminder, the Attorney General's Office does not and cannot provide legal advice or legal research to constituents.

5.	4/29/20	Records of the creation and function of Vermont governmental entity named the "Staff Office of the Attorney General".
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On May 20, 2020, we responded to this request as follows:

I am unfamiliar with a governmental entity named "Staff Office of the Attorney General." If you seek records related to the establishment of the Attorney General or their staff, these would be archival documents not in the custody of the Attorney General's Office. Instead, any such records responsive to your request would be in the custody of the [Vermont State Archives and Records Administration](#). As a courtesy, you can find information about the work of the Attorney General on our website, ago.vermont.gov.

You did not address this request in your reply email of May 21, 2020. We consider this request to be closed.

6.	5/1/20	Records of an official of the State of Vermont prior to 2015 named a “State Prosecuting Attorney”.
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See response to No. 3 above.

7.	5/2/20	Pursuant to the Vermont Attorney General’s statements re: historical information, please provide any records of a consent order or agreement, records of any parties entered into stated agreement, and any records defining their legal relationship.
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On May 20, 2020, we responded:

As a preliminary matter, please let me know what “statements re: historical information” you refer to. It would be best if you could email us a copy of the documents you attribute to the Attorney General, if possible.

As written, your request is unclear and vague, rendering it unanswerable.

On May 21, 2020, you replied:

I have received another correspondence from Charity. It asks about the meaning of “historical” repeatedly. The reference is to statements made in prior correspondence from Charity, on behalf of the Vermont Attorney General, which claim that a document found on a provided web link has some sort of historical information. I am just requesting records in support of the claim that the documents from the web link actually provide an historical account of some events which actually took place.

Unfortunately, without knowing what “historical information” or document you are referring to, we cannot identify which records might be responsive. Please email a copy of the document to AGO.PublicRecords@vermont.gov. You mention that the “historical information” was made in correspondence written by me. If that correspondence occurred in the context of a request for public records, please be advised that all of our correspondence with public records requesters can be found on our website here: <https://ago.vermont.gov/2020-vermont-attorney-generals-office-public-record-act-requests-and-responses/>. As such, if the correspondence you seek relates to a public records request, please feel free to simply send me a link to it.

8.	5/5/20	Consistent with the Vermont Attorney General’s statements re: “historical” value of documents at a web link provided by the Vermont Attorney General, please provide me with any records of a complaint made by the Vermont Secretary of State or Vermont Office of Professional Regulation or “Office of the State Prosecuting Attorneys” or “Chief State Prosecuting Attorney”, to the Vermont State Board of Nursing concerning me and my nursing license.
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Please see our response above in No. 7.

I hope this information is helpful to you.

Sincerely,

/s/
Charity R. Clark
Chief of Staff