

**From:** Donoghue, Michael <mdonoghue@smcvt.edu>  
**Sent:** Monday, September 14, 2020 11:59 PM  
**To:** Donovan, Thomas <Thomas.Donovan@vermont.gov>  
**Cc:** Waszak, John <John.Waszak@vermont.gov>; Clark, Charity <Charity.Clark@vermont.gov>; Mishaan, Jessica <Jessica.Mishaan@vermont.gov>  
**Subject:** RE: Response to your public records request

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Dear T.J.,

Please consider this an appeal of the Public Records case.

I was shocked and dismayed that so much was deleted without need by your office.

It appears that your staff never read your own press release in which you identified Vergennes Police Chief George Merkel as the target of the investigation and the basis for the investigation.

This comes on top of his name being made public by, among others:

- Merkel himself
- Addison County Sheriff Peter Newton, who filed the complaint
- The Vergennes City Manager in a press release

The name of the Addison County Sheriff Peter Newton, who filed the public complaint also was blacked out. So was Capt. Brent Newton, a key figure in the complaint.

Your office also tries to hide the community, but there is only one city in Addison County.

There are so many other flaws in the extra redaction that do not meet the standard of transparency.

This is further disappointing when your office missed the statutory deadline by more than a week.

As I mentioned to you – and discussed a few times with Charity Clark of your staff while waiting for the decision – the claim by your office that somebody was on vacation does not fit into the exemptions for the Public Records Law. Other state agencies, towns and other government bodies have back-up people to comply with the law.

The hope is you can do the right thing, reduce the unwarranted redactions and make public the basis for your decision not to proceed with a complaint filed by one public servant about the performance of another public servant.

As you know there is no mandate to redact names or information. It is up to you. (Your office also failed to follow the law by not saying for each redaction the specific exemption for that piece of information.)

Thanks

Call if you have questions.

Mike Donoghue  
Vermont Press Association  
and  
Vermont News First  
(802) 310-7866