

**From:** [Waszak, John](#)  
**To:** [derek@sevendaysvt.com](mailto:derek@sevendaysvt.com)  
**Subject:** AGO Response to Derek Brouwer's Renewed PRA Request  
**Date:** Wednesday, April 28, 2021 8:05:53 PM  
**Attachments:** [2021-04-28 Waszak Response to Brouwer.pdf](#)

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Dear Mr. Brouwer,

Attached, please find a response to your renewed Vermont Public Records Act request.

Sincerely,

John D.G. Waszak, *Assistant Attorney General*  
Office of the Vermont Attorney General – Criminal Division  
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109 STATE STREET  
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April 28, 2021

Derek Brouwer  
c/o Seven Days  
P.O. Box 1164  
Burlington, VT 05401  
By Electronic Mail: [derek@sevendaysvt.com](mailto:derek@sevendaysvt.com)

Re: Renewed Public Records Request of October 13, 2020

Dear Mr. Brouwer:

I understand that you have renewed your previous Public Records Act request wherein you requested:

“I request access to and digital copies of case files reviewed by the Vermont Attorney General’s office related to former St. Albans police officer Mark Schwartz, including, but not limited to, matter opening forms, indices, case summaries and findings, police reports and use of force reports.”

This Office is currently prosecuting the named individual you seek “access to and digital copies of case files” regarding. Therefore, your request for inspection or disclosure is denied pursuant to the following statutory exemptions:

- 1 V.S.A. § 317(c)(3) - Records which, if made public pursuant to the PRA, would cause the custodian to violate duly adopted standards of ethics or conduct for any profession regulated by the State. Please see Rules 1.1 (Competence), 1.6 (Confidentiality of Information), 3.6 (Trial Publicity), and 3.8 (Special Responsibilities of a Prosecutor) of the Vermont Rules of Professional Conduct.
- 1 V.S.A. § 317(c)(4) - Records which, if made public pursuant to the PRA, 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. Please see Rule 502 (Lawyer-Client Privilege) and Rule 510 (Waiver of Privilege and Work-Product by Disclosure) of the Vermont Rules of Evidence. Please see Rule 26(b)(4)-(6) of the Vermont Civil Rules of Procedure and Rule 16(d)(1) of the Vermont Rules of Criminal Procedure (Attorney Work-Product Privilege/Doctrine).

1 V.S.A. § 317(c)(5)(A)(i) - Records dealing with the detection and investigation of crime that could reasonably be expected to interfere with enforcement proceedings.

1 V.S.A. § 317(c)(5)(A)(ii) - Records dealing with the detection and investigation of crime that would deprive a person of a right to a fair trial or an impartial adjudication.

To the extent you feel records have been wrongfully withheld, you may appeal to Deputy Attorney General Joshua Diamond.

Sincerely,

/s/ John D.G. Waszak  
John D.G. Waszak  
Assistant Attorney General

Electronically Transmitted