

From: [Adams, Emily](#)
To: [Mishaan, Jessica](#)
Cc: [Thompson, Julio](#)
Subject: FW: Response to June 2, 2021 Public Records Request [Therrien]
Date: Monday, June 7, 2021 12:35:33 PM
Attachments: [021-06-07 Adams to Therrien PRR Response.pdf](#)

Hi Jess-

Please see below ant attached response to this PRR that went out today.

Emily Chamberlain Adams (she/her/hers)

Assistant Attorney General
Civil Rights Unit
Vermont Attorney General's Office
109 State Street
Montpelier, Vermont 05609
802-828-3177
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From: Adams, Emily
Sent: Monday, June 7, 2021 12:32 PM
To: jtherrien@benningtonbanner.com
Subject: Response to June 2, 2021 Public Records Request

Dear Mr. Therrien-

Please see attached.

Best,
Emily

Emily Chamberlain Adams (she/her/hers)

Assistant Attorney General
Civil Rights Unit
Vermont Attorney General's Office
109 State Street
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109 STATE STREET
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June 7, 2021

Jim Therrien
Bennington Banner
425 Main Street
Bennington, VT 05201

VIA EMAIL ONLY - jtherrien@benningtonbanner.com

Re: June 2, 2021 Public Records Request

Dear Mr. Therrien:

I am writing in response to your June 2, 2021 Public Records Request to the Vermont Attorney General's Office (AGO) in which you requested:

- “[A] copy of the AGO communication sent to the Town of Pownal regarding a complaint filed by former town administrator Michael Walker”; and
- “[C]opies of documents related to Mr. Walker’s complaint and related correspondence between the office and Mr. Walker.”

Your request is governed by Vermont’s Public Records Act (PRA), 1 V.S.A. §§ 315-320.

Pursuant to the PRA, I telephoned you June 3, 2021, to seek clarification about your request that would assist the AGO in responding. *See* 1 V.S.A. § 318(d). At that time, you indicated you did not know the exact nature of the complaint referenced but indicated that Mr. Walker was a former employee of the Town of Pownal. You also indicated that while you did not know one way or the other, you could not rule out the possibility that the complaint could be criminal in nature.

I. No Responsive Criminal Records.

Review of your PRA request with the AGO’s Criminal Division has identified no responsive records.

II. Records re Employment Complaints.

The other possible subject matter for the records raised in our June 3 call was that Mr. Walker's complaint with the town concerned his employment – though you did not specify the type of employment issue that might be involved.

However, Vermont law provides that records and information obtained by the AGO during an employment practices investigation are confidential. Under state law, materials and information obtained during the AGO's investigation of alleged civil rights violations, including employment discrimination complaints, are confidential and may not be produced absent (1) a court order; or (2) consent of the party providing the information. *See, e.g.*, 21 V.S.A. §§ 495(b)(a) (Fair Employment Practices Act (incorporating by reference confidentiality provisions of 9 V.S.A. § 2460(a)(4); 21 V.S.A. § 474(a) (Parental and Family Leave Act) (same). Because neither exception applies here, we are not in a position to offer a further response. *See id.*; 1 V.S.A. § 317(c)(1)-(2).

You may appeal this decision with Deputy Attorney General Joshua Diamond in this office.

Sincerely,

/s/ Emily Chamberlain Adams
Assistant Attorney General