

**From:** [Adams, Emily](#)  
**To:** [corey@shelburnenews.com](mailto:corey@shelburnenews.com)  
**Cc:** [Thompson, Julio](#)  
**Subject:** Follow Up Response to PRA Request of April 25, 2022  
**Date:** Tuesday, May 10, 2022 6:01:00 PM  
**Attachments:** [2022-05-10 Thompson to McDonald Follow Up PRR Response.pdf](#)

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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  
Montpelier, Vermont 05609  
802-498-8631 - **\*\*Please note new phone number**  
[emily.adams@vermont.gov](mailto:emily.adams@vermont.gov)

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THOMAS J. DONOVAN, JR.  
ATTORNEY GENERAL

JOSHUA R. DIAMOND  
DEPUTY ATTORNEY GENERAL

SARAH E.B. LONDON  
CHIEF ASST. ATTORNEY GENERAL



TEL: (802) 828-3171

<http://www.ago.vermont.gov>

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

May 10, 2022

Corey McDonald  
Staff Writer  
Vermont Community Newspaper Group  
Shelburne News- The Citizen-The Other Paper-Stowe Reporter – News & Citizen

***VIA EMAIL ONLY – corey@shelburnenews.com***

Re: April 25, 2022 Request for Public Records-

Dear Reporter McDonald:

I am writing in follow up to my April 29, 2022 response to your April 25, 2022 Public Records Request to the Vermont Attorney General's Office (AGO). At that time, I requested additional time to determine whether the Civil Rights Unit (CRU) was in possession of any records responsive to your request.

Your April 25, 2022 request sought, in relevant part:

[A] copy of Fisher v. Town of Shelburne, VT, Vermont Attorney General's Office File No. 2019-14831, EEOC File No. 16K-2020-00040C.

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

**I. CRU Investigative Records**

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 we do not have a court order or consent of the parties to produce any investigative records, we are not able to offer any further response. *See id.*; 1 V.S.A. § 317(c)(1)-(2). Should you receive consent of one or both parties referenced, please let us know.

## II. CRU Internal Work Product

Furthermore, CRU investigative files typically include materials prepared by attorneys or AGO staff (e.g. internal email messages, memoranda, etc.) that are exempt from disclosure because they are subject to attorney-client and work product privileges. *See* 1 V.S.A. § 317(c)(1)-(2). Accordingly, when we receive requests for investigative files or documents, we do not produce those privileged materials and are unable to do so here.

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

Sincerely,

/s/

Julio A. Thompson  
Assistant Attorney General  
Director, Civil Rights Unit