

From: [Adams, Emily](#)
To: [Lynn C. Wdowiak](#)
Subject: Response to your June 23, 2023 Public Records Request
Date: Monday, July 10, 2023 2:40:00 PM
Attachments: [2023-07-10 Wdowiak PRR Response Letter.pdf](#)

Dear Ms. Wdowiak-

Please see attached.

Best,
Emily

Emily Chamberlain Adams (she/her/hers)

Assistant Attorney General

Civil Rights Unit

Vermont Attorney General's Office

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July 10, 2023

Lynn Wdowiak
Ryan Smith & Carbine, Ltd.
98 Merchant's Row
PO Box 310
Rutland, VT 05702-0310

Via Email Only – lcw@rsclaw.com

Re: Your June 23, 2023 Public Records Request

Dear Ms. Wdowiak:

On behalf of the Vermont Attorney General Office (AGO) Civil Rights Unit (CRU), I am writing to respond to your June 23, 2023 Public Records Request submitted on the AGO website, in which you requested:

- All records relating to any Civil Rights Unit Complaints made by [REDACTED], date of birth [REDACTED], of Bellows Falls, VT.

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

By letter dated June 26, 2023, the AGO notified you that pursuant to the PRA, it was seeking an extension of time to search for responsive records and determine whether they were subject to public disclosure.

For the reasons stated below, we are unable to produce any responsive documents to you at this time.

I. Records Deemed Confidential by Law.

The PRA states that certain categories of records are exempt from public inspection or copying. *See generally* 1 V.S.A. § 317(c) (listing exemptions). These categories include “(1) Records that

by law are designated confidential or by a similar term [and] (2) Records that by law may only be disclosed to specifically designated persons.” *Id.*, § 317(c)(1)-(2).

You requested all records relating to CRU complaints filed by [REDACTED]. Vermont law requires that records and information obtained by the AGO in connection with any employment discrimination investigation be designated confidential. *See* 21 V.S.A. § 495b (incorporating by reference 9 V.S.A. § 2460). Pursuant to Section 2460, such materials and information remain confidential absent (1) a court order; or (2) consent of the party providing the information. *See* 9 V.S.A. § 2460(a)(4). At this time, you have not presented us with a court order, or the consent of any person involved in any CRU investigation.

Because records relating to CRU investigations are designated confidential by law, the PRA exempts them from public disclosure.

II. Internal AGO Correspondence and Notes.

The PRA also exempts from public inspection and copying:


(3) Records that, if made public pursuant to this subchapter, would cause the custodian [of records] to violate duly adopted standards of ethics or conduct for any profession regulated by the State.

(4) Records that, if made public pursuant to this subchapter, 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.” 1 V.S.A. § 317(c)(3)-(4).

The AGO likewise did not produce any AGO notes or internal AGO communications or documents. Such materials are confidential work product and subject to the attorney-client privilege. Because the above PRA exemptions apply to such records, the AGO is producing any such materials.

You may appeal this decision with Deputy Attorney General Robert McDougall in this office.

Sincerely,


Emily Chamberlain Adams
Assistant Attorney General