

From: Rowntree, Laura <Laura.Rowntree@vermont.gov>
Sent: Wednesday, September 25, 2024 4:29 PM
To: Anne Galloway <anne.galloway.vermont@gmail.com>
Cc: Mishaan, Jessica <Jessica.Mishaan@vermont.gov>
Subject: RE: Public Records Request

Ms. Galloway,

Please see the attached letter.

Regards,
Laura

Laura C. Rowntree
Assistant Attorney General
Vermont Attorney General's Office
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Montpelier, VT 05609
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Pronouns: she/her/hers

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

September 25, 2024

VIA E-MAIL:

Anne Galloway
anne.galloway.vermont@gmail.com

Re: *Public Records Request*

I write in response to your Public Records Act request sent on September 11, 2024, in which you requested:

Any and all documents and communications related to Vermont EB-5 projects from January 1, 2006 to the present, including, but not limited to:

1. Sugarbush Resort (Summit Ventures)
2. Country Home Products
3. DreamLife Resorts
4. Jay Peak Projects
 - a. Jay Peak Hotel Suites LP
 - b. Jay Peak Hotel Suites Phase II LP
 - c. Jay Peak Penthouse Suites LP
 - d. Jay Peak Golf and Mountain Suites LP
 - e. Jay Peak Lodge and Townhouses LP
 - f. Q Burke Mountain Resort, Hotel and Conference
 - g. Jay Peak Hotel Suites Stateside LP
 - h. Jay Peak Biomedical
5. Seldon Technologies
6. Mt. Snow
 - a. Phase I: West Lake Reservoir
 - b. Phase II: Carinthia Ski Lodge
7. Trapp Family Lodge
8. South Face Village
9. Stowe Aviation.

During our telephone conversation on September 13, 2024, you specified that you were seeking records reflecting how much money the State spent defending Public Records Act litigation related to EB-5 projects and in litigation brought by investors in EB-5 projects. You are not seeking documents related to the actual projects, such as offering documents.

Pursuant to the Public Records Act, 1 V.S.A. § 316(c)(1), a public agency may charge requesters of public records for the cost of complying with the request. The first 30 minutes of time involved with complying with the request is free.

The Attorney General's Office has searched for and identified 210 documents that are responsive to your request as narrowed based on our September 13, 2024 telephone call. These documents consist of contracts and invoices reflecting litigation expenses incurred in the investor litigation concerning Jay Peak. The State has not been a defendant in litigation related to any of the listed projects other than Jay Peak projects or Stowe Aviation, and we have not identified any records reflecting costs stemming from the litigation concerning Stowe Aviation. Using the [Uniform Charges Schedule](#), and subtracting the first 30 minutes of time, the cost for responding to this request by producing these 210 documents is \$659.70.

We ask that you please submit payment totaling the cost above to proceed further with processing your request. Upon receipt of your payment, the records will be made available to you.

You may submit payment as follows:

- Online (preferred payment method):
<https://vt.accessgov.com/onlinepayment/Forms/Page/onlinepayment/ago-op/>
- Checks are also accepted when mailed to:
Vermont Attorney General's Office
Attn: Public Records Request
109 State Street
Montpelier, VT 05609-1001]

If you wish for us to search for and produce — in addition to the documents previously produced to you in response to other PRA requests concerning the EB-5 program, the documents that were otherwise made publicly available, and the 208 documents identified above — any *communications* that may be related to the State's defense of EB-5 litigation, the effort to collect and produce such communications will require substantially more time. We provide the following estimate of the time and cost associated with that effort so that you may determine whether to proceed with this portion of your request.

We identified a list of 36 document custodians whose email communications may relate to litigation concerning EB-5 and would thus need to be searched. We then developed a search that we believe would target the universe of potentially relevant communications, using the following keywords that we believe may indicate documents relevant to this request:

“Sutton” OR “EB5” OR “eb-5” OR “jay” OR “jay peak” OR “Quiros” OR “Stenger” OR “russ” OR “accd” OR “DFR” OR “Vieira” OR “VRC” OR “Connors” OR “Wooding” OR “Kroonen” OR “Handley” OR “Enslin” OR “Walsh” OR “Shaikhani” OR “Webster”

OR “Wang” OR “Feng” OR “Xiong” OR “Obando” OR “Hetka” OR “Mbah” OR
“Pham” OR “Esteban” OR “Giraldo” OR “Abdel” OR “Abdel-Fakhara” OR “Kessler”
OR “Candido” OR “Carr” OR “Cassetty” OR “Divine” OR “Donegan” OR “Dorn” OR
“Fox” OR “Fox-Iscoff” OR “Fu” OR “Gibson” OR “Goldberg” OR “Hauer” OR
“Hulme” OR “Miller” OR “Moulton” OR “Pieciak” OR “Raymond” OR “Shumlin” OR
“Torres” OR “Woolf” OR “anc-bio” OR “q-burke” OR “phases” OR “MOU” OR
“Chandler”

Running this search for only one of the 36 relevant document custodians yielded 17,260 emails. Before being produced, those emails would need to be reviewed for relevance and evaluated for any concerns related to applicable legal privileges or redaction of personally identifiable information. Assuming a similar volume of emails from the other 35 custodians leads us to estimate this request would require us to review 621,360 documents in responding to your request. At an estimated review pace of 3 documents per minute and using the Secretary of State’s Uniform Charges Schedule’s cost of \$0.45/minute for staff time responding to public records requests for activities other than photocopying, we estimate the cost of review of responsive materials to be approximately \$93,204.

We will wait to hear from you before we take further steps regarding the collection of any communications.

Please let me know if you have any questions.

Sincerely,

/s/ Laura C. Rowntree

Laura C. Rowntree
Assistant Attorney General