

From: Clark, Charity <Charity.Clark@vermont.gov>

Sent: Monday, May 18, 2020 6:30 PM

To: D. S. <[REDACTED]>

Subject: RE: Public records requests, dated April 23, 2020 to April 28, 2020

Please see attached.

Charity R. Clark
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Office of the Attorney General
109 State Street
Montpelier, Vermont 05609
802-828-3171

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

May 18, 2020

David Shaddy
[REDACTED]

Re: Vermont Public Records Act requests, dated April 23, 2020 to April 28, 2020

Dear Mr. Shaddy:

On May 13, 2020, I responded to 16 of your requests for public records, including the following request, dated April 23, 2020:

Records of the existence of a civil, criminal, or limited jurisdiction court which has the jurisdiction to adjudicate executive licensing acts of whatever executive agency or official the AGO is claiming has "prosecution", "enforcement", and/or "licensing responsibility" authority over nurses licenses in VT

Our response to this request was as follows:

The Attorney General's Office has several potentially responsive documents. Our office will need to gather, review, and potentially redact these documents. A cost estimate for this work, allowing for the first 30 minutes to be free of charge, is \$6.84. If you would like to move ahead with this request for records, please send a check to the following address:

Charity Clark
Office of the Attorney General
109 State St.
Montpelier, Vermont 05609

Should the actual cost be less than the estimate, we will refund the difference to you.

Once we receive your check, we will move forward with fulfilling your request.

By e-mail dated May 13, 2020, you wrote to our office the following:

Additionally, I am grateful for the cost estimate for time required to respond to my public records requests, but ask that the Vermont Attorney General stock [sic] to the processes provided for by the Vermont Public Records Act.

Accordingly, I agree to the cost estimates provided, and will pay the fees once a true accounting of actual time spent has been presented to me. There is no consideration for prepayment on the assumption of possibly spending time to compile and deal with records that might possibly exist.

Please consider this letter a reply to your email. The Public Records Act permits agencies to take reasonable measures to prevent disruption of operations in responding to Public Record Act Requests. *See* 1 V.S.A. § 316(j). Consistent with the Governor’s “Stay Home, Stay Safe” Executive Orders, the Attorney General’s Office has been working remotely since mid-March. Since April 16, 2020, you have submitted over 40 Public Record Act requests to the Attorney General’s Office, for an average of approximately two to three requests per business day for the last month. The Attorney General’s Office is committed to reasonably continuing all agency operations while working remotely, including responding to Public Record Act requests including yours. Moreover, the statute provides that the Attorney General’s Office “may require . . . that all charges be paid, in whole or in part, prior to delivery of the copies. Upon request, the agency shall provide an estimate of the charge.” 1 V.S.A. § 316(c).

You have received an estimate of the charge. The estimate is \$6.84. This excludes the first 30 minutes of time spent responding to your request, as required by 1 V.S.A. § 316(c), and is based on the Secretary of State’s fee schedule available at: <https://sos.vermont.gov/vsara/manage/information-governance/compliance/uniform-charges-schedule/>. As explained in my letter of May 13, 2020, if you would like us to further process your request, you will need to mail a check in the amount of \$6.84 to our office. The address is above. As previously stated to you, should the actual cost be less than the estimate, we will refund the difference to you. We will hold off further processing your this pending request, dated April 23, 2020, until receipt of this payment.

I hope this information is helpful to you.

Sincerely,

/s/
Charity R. Clark
Chief of Staff