

From: [Clark, Charity](#)
To: [D. S.](#)
Subject: Requests for public records, dated May 6, 2020 to May 12, 2020
Date: Thursday, May 28, 2020 9:44:38 AM
Attachments: [Shaddy PRA Response 5.6.20 to 5.12.20.pdf](#)

Please see attached.

Charity R. Clark
Chief of Staff
Office of the Attorney General
109 State Street
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802-828-3171

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

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DEPUTY ATTORNEY GENERAL

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

May 28, 2020

David Shaddy
[REDACTED]

Re: Vermont Public Records Act requests, dated May 6, 2020 to May 12, 2020

Dear Mr. Shaddy:

Please consider this a response to your nine requests for public records, dated May 6, 2020 to May 12, 2020.

1.	5/6/20	Records identifying the person or persons responsible for the production and publication of the documents at the web link sent to me by the Vermont Attorney General and stated to possess "historical" facts.
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As a preliminary matter, please let me know what documents you refer to. It would be best if you could email us a copy of the documents to AGO.PublicRecords@vermont.gov. As I have mentioned in past correspondence, all records related to public records requests are available on our website [here](#). If the documents you refer to are related to a request you have made, feel free to simply provide a link to those documents.

2.	5/6/20	Records of the appointment or election of Joshua Diamond to the Vermont Office of Attorney General.
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Records responsive to your request are attached. Because less than 30 minutes was spent gathering and reviewing these documents, there is no charge to you for these documents.

3.	5/7/20	Records regarding or containing State policy or policies relating to the licensing of Vermont nurses
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As you have been informed many times, the Attorney General does not oversee the licensing of Vermont nurses. If you would like records related to this topic, you will need to make your

request directly to the office that does oversee this function, namely the Secretary of State's Office of Professional Regulation.

4.	5/7/20	Records of or regarding the rules promulgated and adopted by the Vermont State Board of Nursing pursuant to the Vermont Administrative Procedure Act, contested case statutes applicable to licensing.
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See response to No. 3 above.

5.	5/7/20	Records regarding the interest or interests of the people of the state of Vermont served or represented by the Vermont Secretary of State, the Vermont Office of Professional Regulation, the Vermont "Office of State Prosecuting Attorneys", and a "State Prosecuting Attorney" or "State prosecuting attorney".
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The Attorney General's Office is not the custodian of the records you seek. You will need to make your request directly to the office or attorney who is the custodian of record. Moreover, as you were informed on [April 24, 2020](#), [May 13, 2020](#), and [May 20, 2020](#):

[T]here is no such office as the 'Vermont Office of State Prosecuting Attorneys.' You may be referring to 3 V.S.A. § 129(c)(2), which recognizes a 'State prosecuting attorney assigned by the Office of Professional Regulation [who] shall be responsible for prosecuting disciplinary cases before boards or administrative law officers.' Attorneys who perform this work may be referred to as 'State prosecuting attorneys.'

6.	5/8/20	Records of a Vermont administrative agency which fits this description: an eleven-member board created by the legislature whose members are appointed by the governor to administer the laws for this profession in the state of Vermont... mission is public protection.... does this by: ensuring that applicants are qualified for licensure; setting standards for the profession by proposing statutes and adopting administrative rules; and, with the assistance of Office of Professional Regulation staff, investigating complaints of unprofessional conduct, taking disciplinary action against licensees when necessary to protect the public.
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If you would like to request public records relating to professional regulation, you will need to make that request directly to the Secretary of State's Office of Professional Regulation. The Attorney General's Office is not the custodian of any such records.

In addition, as a reminder, the Attorney General's Office does not and cannot provide legal advice or legal research to constituents or records requesters.

7.	5/11/20	Records of a Vermont court case entitled the "Vermont Supreme Court v David Shaddy", and or any case or dispute between the Vermont Supreme Court and I.
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The Attorney General's Office has no records responsive to your request.

8.	5/12/20	Based upon the Vermont Attorney General's prior statements regarding "history", please provide any records concerning the Vermont State Board of Nursing's licensure of David Shaddy as a registered nurse.
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As you have been informed numerous times, the Attorney General's Office is not the custodian of records relating to professional regulation or nursing licensure. If you would like records related to this topic, you will need to make your request directly to the office that does oversee this function, namely the Secretary of State's Office of Professional Regulation (OPR).

To the extent you seek records dating to 2003 before regulation of nurse licenses was transferred from the Attorney General's Office to OPR, the custodian of these records would be the [Vermont Archives and Records Administration](#). To the extent you seek documents after the date authority was transferred to the Secretary of State's Office of Professional Regulation, you will need to make that request directly to that office.

9.	5/12/20	Records of a Vermont governmental entity named "Secretary of State Vermont APA", which may or may not house an official called a "Judge Belcher".
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As you have previously been informed, the Attorney General's Office is not the custodian of records of the Vermont Secretary of State. Request for records of the Vermont Secretary of State should be directed to that office directly.

I hope this information is helpful to you.

Sincerely,

/s/
Charity R. Clark
Chief of Staff

Attachment

APPOINTMENT
OF
JOSHUA DIAMOND
DEPUTY ATTORNEY GENERAL

TO: JOSHUA DIAMOND

And to all persons to whom these presents may come,

GREETING:

KNOW YE, That I, THOMAS J. DONOVAN, JR., Attorney General of the State of Vermont, by virtue of the authority in me vested, do hereby constitute and appoint you, the said

JOSHUA DIAMOND
DEPUTY ATTORNEY GENERAL

You will, therefore, with care and faithfulness, execute the duties of said office by doing and performing, all and singular, the matters and things thereto pertaining, without favor or partiality to any person or party, but with equal right and justice to all, as the laws of this state shall direct.



Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

IN WITNESS WHEREOF,

I have hereunto signed my
name at Montpelier, in the
County of Washington, and
the State of Vermont, this
17 day of January 2017.


THOMAS J. DONOVAN, JR.
Attorney General

OATH OF OFFICE

I, JOSHUA DIAMOND, do solemnly affirm that I will be true and faithful to the State of Vermont, and that I will not, directly or indirectly, do any act or thing injurious to the Constitution or Government thereof.

UNDER THE PAINS AND PENALTY OF PERJURY.

I do solemnly affirm that I will faithfully execute the Office of DEPUTY ATTORNEY GENERAL for the State of Vermont, and that I will therein do equal right and justice to all persons, to the best of my judgment and ability according to law.

UNDER THE PAINS AND PENALTY OF PERJURY.

I do solemnly affirm that I will support the Constitution of the United States.

UNDER THE PAINS AND PENALTY OF PERJURY.



JOSHUA DIAMOND

STATE OF VERMONT

WASHINGTON COUNTY

At MONTPELIER, in said County, this 17th day of January 2017, personally appeared JOSHUA DIAMOND and took and subscribed the foregoing oath of office and allegiance.

Before Me, 

NOTARY PUBLIC

**Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609**