

From: [Adams, Emily](#)
To: vasquezl@law.ucla.edu
Subject: September 13, 2021 Public Records Request
Date: Friday, September 24, 2021 1:56:00 PM
Attachments: [2021-09-24 Adams to Vasquez Cost Estimate.pdf](#)

Dear Luis Vasquez-

Please see attached.

Emily Chamberlain Adams (she/her/hers)

Assistant Attorney General

Civil Rights Unit

Vermont Attorney General's Office

109 State Street

Montpelier, Vermont 05609

802-828-3177

emily.adams@vermont.gov

This email message may contain privileged and/or confidential information. If you are not the intended recipient(s), you are hereby notified that any dissemination, distribution, or copying of this email message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this email message from your computer.

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

September 24, 2021

Luis Vasquez
The Williams Institute, UCLA School of Law
1060 Veteran Ave, Suite 134
Los Angeles, CA 90095-7092

VIA EMAIL ONLY—vasquezl@law.ucla.edu

Re: September 13, 2021 Public Records Request: Data on LGBT Discrimination Claims Cost Estimate

Dear Luis Vasquez:

I am writing in connection with your September 13, 2021 public records request to our office in which you requested, in part, “information on all complaints, claims, or investigations alleging discrimination, harassment, and/or retaliation . . . in employment filed with your office from the year 2016 to the present that include sexual orientation and/or gender identity and/or gender expression as alleged bases for discrimination.”

This request is governed by Vermont’s Public Records Act, 1 V.S.A. §§ 315-320. The documents and communications covered by your request may contain records which will require redaction and others which may be exempt from disclosure pursuant to provisions contained within 1 V.S.A. § 317.

Information on Specific Complaints. Vermont law provides that records and information obtained by the Vermont Office of the Attorney General (“AGO”) during an employment practices investigation, including allegations of alleged civil rights violations, 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 neither exception applies here, we are not in a position to provide copies of specific complaints, forms, or other information provided by parties to an employment discrimination complaint. *See id.*; 1 V.S.A. § 317(c)(1)-(2).

Aggregate Data. You also requested certain aggregate data related to employment discrimination claims filed with the AGO. The case management system the AGO utilizes to track this information does not separate out claims on the bases of sexual orientation, gender identity, or gender expression, as you have requested. Rather, our system corresponds to the statutes allegedly violated, in this case Title VII of the Civil Rights Act of 1964 (“Title VII”) and Vermont’s Fair Employment Practices Act (“VFEPA”). In order to determine which cases are responsive to your request, we will need to conduct a manual review of approximately 288 Title VII or VFEPA case files from the past five years to determine which cases allege discrimination on the bases indicated and to determine the type of conduct alleged, as requested.

The cost to review these records is estimated as follows:

1. Investigator review of records: ~ 3 min per file, for 288 files, 864 mins at \$.45/minute (\$388.80)
2. Attorney review of records: 30 mins at \$.57/minute (\$17.10)

There is no charge for the first 30 minutes, making the estimated cost equal **\$392.40**.

Should you wish to proceed with your request, please forward us a check for the total estimated cost of \$392.40. If the actual cost to respond to your request is less than estimated, the difference will be refunded to you.

Upon receipt of check, the records will be made available to you. Checks may be sent to:

Attn: Marcey Hodgdon
State of Vermont
Office of the Attorney General
109 State Street
Montpelier, VT 05609-1001

Should you have any questions regarding this matter or wish to modify or discuss your request please do not hesitate to contact me.

Sincerely,



Emily Chamberlain Adams
Assistant Attorney General
Civil Rights Unit