

From: [Adams, Emily](#)
To: [Laurie S. Noyes](#)
Subject: December 16, 2021 Public Records Request
Date: Wednesday, December 22, 2021 3:42:00 PM
Attachments: [2021-12-22 Adams to Noyes Response.pdf](#)

Dear Laurie-

Please see attached correspondence regarding your public records request.

Happy Holidays!

Best,
Emily

Emily Chamberlain Adams (she/her/hers)

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Civil Rights Unit
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December 22, 2021

VIA EMAIL ONLY – lnoyes@pfclaw.com

Laurie S. Noyes
Paul Frank + Collins, P.C.
One Church Street
Burlington, VT 05676

Re: December 16, 2021 Request for Public Records

Dear Ms. Noyes:

I am writing to respond to your letter seeking the following records from the Vermont Office of the Attorney General (AGO) on behalf of your client, KB Enterprises, d/b/a Lantman's Market. This request is governed by Vermont's Public Records Act (PRA), 1 V.S.A. §§ 315-320. Your PRA request seeks:

A copy of all information and documents, both electronic and hard copy, contained in your files related to any allegations filed by [REDACTED] related to your employment with Lantman's Market during the period January 1, 2020 to the present, including your complete investigative file related to any such claims made by [REDACTED]

Vermont law provides that records and information obtained by the AGO's Civil Rights Unit during an employment practices investigation are confidential. Under state law, materials and information obtained during the AGO's investigation of alleged civil rights violations, including employment discrimination complaints, 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 offer a further response. *See id.*; 1 V.S.A. § 317(c)(1)-(2).

Furthermore, CRU investigative files typically include materials prepared by attorneys or AGO staff (*e.g.*, internal email messages, memoranda, etc.) that are exempt from disclosure because they are subject to the attorney-client and work product privileges. *See* 1 V.S.A. § 317(c)(1)-(2).

Accordingly, when we receive requests for investigative files or documents, we do not produce those privileged materials.

You may appeal this decision with Deputy Attorney General Joshua Diamond in this office.

Sincerely,

/s/Emily Chamberlain Adams
Assistant Attorney General
Civil Rights Unit