

**From:** Thompson, Julio <[julio.thompson@vermont.gov](mailto:julio.thompson@vermont.gov)>  
**Sent:** Friday, April 29, 2022 8:07 PM  
**To:** [corey@shelburnenews.com](mailto:corey@shelburnenews.com) <[corey@shelburnenews.com](mailto:corey@shelburnenews.com)>  
**Cc:** Adams, Emily <[Emily.Adams@vermont.gov](mailto:Emily.Adams@vermont.gov)>  
**Subject:** Response to PRA Request of April 25, 2022

Please see attached letter.

Best regards,  
Julio A. Thompson (he/him)  
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April 29, 2022

**By E-Mail Only** ([corey@shelburnenews.com](mailto:corey@shelburnenews.com))

Corey McDonald  
Staff Writer  
Vermont Community Newspaper Group  
Shelburne News – The Citizen – The Other Paper  
Stowe Reporter – News & Citizen

**Re: April 25, 2022 Request for Public Records**

Dear Reporter McDonald:

On behalf of the Vermont Attorney General Office (AGO) Civil Rights Unit (CRU), I am writing to respond to your e-mail message received by the AGO at 7:48 p.m. April 25, 2022. The message states in relevant part:

Under the Vermont Public Records Law, Title 1 VSA §315 et seq., I am requesting a copy of Fisher v. Town of Shelburne, VT, Vermont Attorney General's Office File No. 2019-14831, EEOC File No. 16K-2020-00040C.

We agree your request is governed by Vermont's Public Records Act (PRA), 1 V.S.A. §§ 315-320.

**I. Extension of Time to Review Records.**

Owing to the pandemic, the office has been working remotely since the spring of 2020. That fact, and the fact that the CRU did not receive this request until after business hours today, requires us to seek an extension of time, not to exceed 10 business days from your request (*i.e.*, by May 9, 2022), to review our office files to identify and make available any responsive records subject to PRA inspection and copying. *See* 1 V.S.A. § 318(b)(5).

**II. PRA Exemptions Applicable to CRU Records.**

In the meantime, it may be helpful to identify several aspects of the PRA that apply to some AGO investigations. It is possible our review may identify additional PRA exemptions not mentioned below. If that is the case, we will explain them in a follow-up letter.

**A. Confidentiality of Information Obtained During AGO Employment Discrimination Investigations.**

The PRA expressly exempts from public inspection and copying, among other things, (1) “[r]ecords that by law are designated confidential or by a similar term” and (2) “[r]ecords that by law may only be disclosed to specifically designated persons.” 1 V.S.A. § 317(c)(1)-(2).

Your reference to an EEOC file number indicates the matter at issue concerns employment discrimination. Please note that Vermont law requires that records and information obtained by the AGO in connection with an employment discrimination investigation be designated confidential. *See* 21 V.S.A. § 495b (incorporating by reference 9 V.S.A. § 2460). Pursuant to Section 2460, such materials and information remain confidential absent (1) a court order; or (2) consent of the party providing the information. *See* 9 V.S.A. § 2460(a)(4).

You have not provided the AGO with either (1) a court order or (2) consent from any individuals associated with any employment discrimination investigation. Thus, we would not be permitted to disclose any records containing or reflecting such information.

**B. Confidentiality of Internal, AGO-Created Records.**

The PRA also exempts records governed by the attorney-client and attorney work-product privileges. *See* 1 V.S.A. 317(c)(4).

AGO investigative files typically include internal drafts or communications prepared by AGO attorneys or staff (*e.g.*, internal email messages, memoranda, etc.). Such materials would thus be exempt from disclosure to you.

Again, as noted in Section I above, we will follow up when we have completed our review.

Thank you for contacting our office.

Sincerely,

/s/

Julio A. Thompson  
Assistant Attorney General  
Director, Civil Rights Unit