

From: Persampieri, Nick
Sent: Thursday, August 4, 2022 6:22 PM
To: James Mitchell <JMitchell@historyassociates.com>
Cc: Brandi Backus <bbackus@historyassociates.com>
Subject: RE: Vermont Public Records Act Requests

James,

Thank you for your email advising that Brandi Backus will be the new History Associates, Inc. contact on the nine Vermont Public Records Act requests that you submitted. I have copied Brandi on this email and will deal directly with Brandi after I return from vacation on August 15.

Thanks also for speaking with me again on Monday. I understand from that conversation that: (1) you have agreed to limit your first, second, third and fifth requests to communications involving our Environmental Protection Division or front office (including anyone who was in those units going back to January 1, 2016); and (2) you have agreed to limit the fifth request to documents that include, in either the subject line or message body, any of the following terms: "fossil fuel," "greenhouse gas," "GHG," "greenwash," "global warming" and/or "climate change."

In our conversation Monday, you declined to accept our request to limit you tenth and eleventh requests seeking documentation regarding agreements with various NYU or NYU-related entities to either (1) contracts involving our Environmental Protection Division or front office; or (2) contracts involving the NYU State Impact Energy and Environmental Law Center. As I advised you, we have not hired any lawyers or staff through the State Energy & Environmental Impact Center at NYU School of Law. Nor are we aware of any lawyers or staff whom we have hired for which we entered into a contract with any NYU related entity (see below for a note about an existing public record request/response concerning our being denied a NYU Fellow).

With respect to these tenth and eleventh requests, the Attorney General's Office has had at least one summer intern who was a student at NYU. We do not consider our interns to be attorneys or staff of the Attorney General's Office. It is our longstanding office policy that school year and summer interns are not paid by Attorney General's Office. Some interns have documents that we sign off on for the student to provide to their school if they are seeking academic credit for the internship and/or financial aid. We believe that these sort of agreements for summer or school year interns who are students from NYU are likely not responsive to your request. Please advise if you disagree. If we have to search for any information about any interns who worked in any part of the AGO since 2016 and who were a student at NYU, that may present a fairly significant, time consuming records search because we maintain no central depository of intern forms that I am describing and therefore they would likely reside (if they exist) in the files of the supervising AGO attorney. Accordingly, we will assume that your requests do not cover school year and summer interns documents unless you advise otherwise.

On our initial call, I mentioned that we post all of our responses to Vermont Public Records Act requests, including the records provided, on our web page and that some of those responses contain documents within the scope of your requests. Here is a link to the area of our website containing the prior responses. <https://ago.vermont.gov/open-government> You may wish to view the responses to the following requests, which appear to include records responsive to one or more of your requests: 2/18/18 Horner, Christopher, Competitive Enterprise Institute; 3/7/18 Horner; 5/16/18 Horner; 8/20/18 Horner; 12/21/18 Hardin, Matthew, Energy Policy Advocates; 4/2/19 Hardin; 9/26/19

Hardin; and 12/8/19 Hardin. I note that the response to the 12/21/18 request contains the application for a State Energy & Environmental Impact Center fellow, which, as I mentioned to you, was not approved. Please advise if, following your review of these responses, you are amenable to narrowing your requests, as some of this information may be what you are ultimately seeking and/or these documents would likely be duplicated in some part in our response to your request(s).

We have begun our search for responsive records. As an initial matter, we are attempting to estimate the number of responsive records for purposes of providing you with a cost estimate. This is taking some time due to the scope of the requests and planned summer vacations. We hope to provide you with an estimate by August 26.

Thank you for your cooperation regarding this matter, and best wishes to you in your new job.

Nick

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