

Griffin, Bill

From: Griffin, Bill
Sent: Tuesday, April 25, 2017 7:01 PM
To: Bachman, Molly
Subject: RE: Burlington College update

Thank you.

From: Bachman, Molly
Sent: Tuesday, April 25, 2017 3:25 PM
To: Griffin, Bill <bill.griffin@vermont.gov>
Subject: FW: Burlington College update

From: Bachman, Molly
Sent: Tuesday, December 27, 2016 4:20 PM
To: Talbott, Bill <Bill.Talbott@vermont.gov>
Cc: Ryan, Cassandra <Cassandra.Ryan@vermont.gov>
Subject: Burlington College update

I heard from Bob Roesler who said that the BC Board has decided that it neither has a place to store the records that the State does not want nor do any members wish to assume the liability for taking possession of that material. However, he emailed Eric Miller, the US Attorney since there is an investigation being conducted by DOJ into some aspects of the College's activities. I spoke to Paul Van de Graaf at the US Attorney's Office and he wants to look at the records. He asked if we could extend our lease one month and his office would reimburse AOE for the cost.

I sent Roesler 2 resolutions for the board chair's signature – one authorizing AEO to destroy the records in its temporary possession, the other authorizing AOE to allow the US Attorney access to the records before destruction and possession of any or all of them. I've asked that they be signed and scanned back to AOE by Friday, but it looks like we are stuck with the records for a little longer.

Molly Bachman
General Counsel
Agency of Education
802-479-1756
molly.bachman@vermont.gov
219 North Main Street, Suite 402
Barre, Vermont 05641

Griffin, Bill

From: Griffin, Bill
Sent: Wednesday, April 12, 2017 9:16 AM
To: Duchac, Bill
Subject: surety bond question

Bill,

The Legislative proposal – now in House Ed -- is to add the following language to 16 VSA 175:

(g)(1) Each institution of higher education accredited in Vermont, except institutions that are members of the Association of Vermont Independent Colleges (AVIC), the University of Vermont, and the Vermont State Colleges, shall acquire and maintain a bond from a corporate surety licensed to do business in Vermont in the amount of \$50,000.00 to cover costs that may be incurred by the State under subsection (e) of this section due to the institution's failure to comply with the requirements of subsection (a) of this section, and the institution shall provide evidence of the bond to the Secretary within 30 days of receipt. The State shall be entitled to recover up to the full amount of the bond in addition to the other remedies provided in subsection (e) of this section.

This is prompted by the expenses that the State incurred when Burlington College closed.

Questions are whether corporate sureties offer bonds like this and, if so, what would they cost.

Please give me a call.

Thanks.

Bill Griffin
828-5503

Griffin, Bill

From: Griffin, Bill
Sent: Tuesday, December 20, 2016 12:17 AM
To: Bachman, Molly
Subject: RE: Burlington College

From: Bachman, Molly
Sent: Monday, December 19, 2016 2:03 PM
To: Griffin, Bill
Subject: Burlington College

Hi Bill,

Don't know if you have followed the back and forth but BC is trying to find a place to store the records. AOE has offered to arrange/pay for the transport.

I am going to respond to Brady as follows:

This responds to your request for certain records belonging to Burlington College that are in the temporary custody of The Agency of Education. The Agency is in the process of returning the records to the College. Because these are not the Agency's records, but rather are the records of a private corporate entity, the public records law does not authorize the Agency to provide them in response to a request under 1 V.S.A. §215 et seq. You may appeal this determination to the head of the Agency.

Then he can take what steps he will. Thanks for the help.

Molly Bachman
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Griffin, Bill

From: Griffin, Bill
Sent: Thursday, December 15, 2016 8:51 PM
To: Bachman, Molly
Subject: RE: Burlington College Non-Academic Records

From: Bachman, Molly
Sent: Thursday, December 15, 2016 5:43 PM
To: broesler@waterburystowelaw.com
Cc: Griffin, Bill
Subject: Burlington College Non-Academic Records

Hi Bob,

I am following up on the voicemail Bill Griffin left you this afternoon concerning Burlington College.

As you know the Agency of Education is in temporary possession of records of Burlington College. The State Board of Education authorized the Agency to take possession of the records in order to secure student academic records. The Agency has been processing requests from students for transcripts since last summer. In the course of sorting and organizing the student records it became apparent that AOE is in possession of a large quantity of non-academic records. These appear to include general business records, NEASC records, Board material including minutes, financial aid records and various other nonacademic material. AOE has no public purpose to retain these private college materials. Further, the lease on the space in which AOE has stored the records expires at the end of this month.

Therefore, the Agency is asking that Burlington College Board authorize it to destroy these nonacademic records prior to the end of the year. I have enclosed a draft resolution for your review.

If, instead, the Board wish the records to be returned, the Agency will arrange for that. I'd ask that you provide an address for delivery of the materials. If I should be contacting the Board members directly please so advise me.

Thank you for your attention to this.

Molly Bachman
General Counsel
Agency of Education
802-479-1756
molly.bachman@vermont.gov
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Barre, Vermont 05641

Griffin, Bill

From: Griffin, Bill
Sent: Thursday, December 15, 2016 4:42 PM
To: Bachman, Molly
Subject: FW: Revised BC Board resolution

From: Bob Roesler [mailto:broesler@waterburystowelaw.com]
Sent: Friday, July 29, 2016 3:08 PM
To: Yves Bradley <YBradley@vermontrealestate.com>; Jane Knodell <Jane.Knodell@uvm.edu>; Torti, Tom <Tom@vermont.org>
Cc: Carol Moore <cmoore@burlington.edu>
Subject: Revised BC Board resolution

Good afternoon:

Based on my conference with Bill Griffin, I propose the following resolution language:

RESOLVED, that the Board of Trustees of Burlington College shall deliver certain records of Burlington College to the Vermont State Board of Education or its designee, to ensure the proper storage, availability and disposition of these records in accordance with all State and Federal legal requirements. The Board encourages the cooperation of the Vermont State Board of Education or its designee with and the availability of such records to Vermont HITEC, Inc., at least through December 31, 2016. The records to be delivered shall include the following paper and electronic records:

*The academic and other records of each current and former student of Burlington College;
The application records of all persons who applied to be a student at Burlington College;
The personnel records of all employees of Burlington College;
The financial records of Burlington College;
The servers and other hardware on which any or all of these records are stored.*

APPROVED this _____ day of _____, 2016, by vote of the Burlington College Board of Trustees.

BOARD OF TRUSTEES, BURLINGTON COLLEGE

By: _____

Its Chairman

Should this language be acceptable, I believe it appropriate for Yves to circulate for vote and approval today and over the weekend. I am available by phone should you have questions or revisions. Thank you all.

Bob

Robert C. Roesler, Esq.
Darby Kolter & Nordle, LLP
C.C. Warren House
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Waterbury, Vermont 05676
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Fax: 802-244-5954

Griffin, Bill

From: Griffin, Bill
Sent: Thursday, December 15, 2016 4:33 PM
To: Bachman, Molly
Subject: FW: state board of education resolution on Burlington College records
Attachments: Document2 [Compatibility Mode].docx

From: Griffin, Bill
Sent: Friday, July 29, 2016 2:16 PM
To: Bob Roesler <broesler@waterburystowelaw.com>
Subject: state board of education resolution on Burlington College records

Bob,

This is the resolution approved by the State Board of Education this afternoon.

The Agency is prepared to take custody of the records next week.

Please confirm that this is acceptable to the Burlington College Board of Trustees so that the Agency can make arrangements for the pick-up.

Thanks.

Bill Griffin
Chief Assistant Attorney General
828-5503

Will the State Board of Education vote to authorize the Agency of Education to take temporary possession of Burlington College's Academic Records and certain other records until a permanent repository is appointed, to ensure the proper storage, availability and disposition of these records in accordance with all legal requirements; and

Will the State Board of Education vote to authorize the Agency of Education to allow other entities to have access to a student's records, consistent with all legal requirements, when allowing access is in the best interests of that student?

Griffin, Bill

From: Griffin, Bill
Sent: Tuesday, December 06, 2016 9:37 PM
To: Bachman, Molly
Subject: RE: Burlington College records index

Molly -- Did Brady send a follow up request for records identified on the index? Could you please send me any follow up request?

From: Bachman, Molly
Sent: Tuesday, December 06, 2016 3:54 PM
To: Griffin, Bill
Subject: FW: Burlington College records index

From: Cutler, Judy
Sent: Tuesday, December 06, 2016 2:04 PM
To: Bachman, Molly
Subject: Burlington College records index

Hi Molly,
Here is a what Cassandra prepared and what we sent Mr. Toensing.

Thanks,
Judy

Judith Cutler
Investigator / Public Records Officer
Vermont Agency of Education
219 North Main Street, Suite 402
Barre, VT 05641
Desk: (802) 479-1760
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