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May 6, 2019

*via email (cmeyn@vtdigger.com)*

Colin Meyn  
VT Digger

**Re: Public Records Request (4/17/19)**

Dear Colin:

I write to provide an estimate for responding to your Public Records Act request dated April 17, 2019. I have delineated the estimate by division and unit. At the end of this letter, I have included a summarizing chart of the estimate.

Note that none of the estimates include time spent redacting documents. This is because your request included only documents that would be otherwise publicly available. It is possible, however, that one or more of the responsive documents would have been filed with the court under seal. For example, if a minor were a victim in a criminal case. In that event, additional time would be needed for review and redaction of the responsive document.

### **Criminal Division**

As to the Criminal Division, you have requested:

- 1) The formal criminal charging documents filed in court by the Vermont Attorney General's Office from May 1, 1997 to April 17, 2019.

- 2) The declination letter or formal criminal charging documents as the result of a police use-of-force or officer-involved shooting review by the Vermont Attorney General's Office from May 1, 1997 to April 17, 2019.

The Criminal Division identified 3,412 files that are potentially responsive. A staff person spent 10 hours identifying these files. This preliminary cost, using the lowest amount on the Secretary of State's Uniform Fee Schedule for public records charges for state agencies, \$0.33/minute, would be \$198. To access some of these files, your request would require us to pull 691 boxes of files from the Vermont Records Department (the "Department"). The Department charges \$4 per box, for a total of \$2,764.

We estimate that we would need an average of 5 minutes for each of the 3,412 identified files to search it, pull the responsive documents, and copy or scan them, for a total of 17,060 minutes. At \$0.33 per minute, this would total \$5,629.80.

Together, identifying the files and pulling the boxes and the files would total \$8,591.80. Note that this does not take into account additional time or expenses related to transporting or storing the files. As mentioned, it also assumes that we will not need to redact anything.

### **Environmental Division**

As to the Environmental Division, you have requested:

The initial complaint in any enforcement action from January 1, 2010 to April 17, 2019, including multistate lawsuits. Where no complaint was filed, you wish to receive the settlement document, such as an Assurance of Discontinuance ("AOD"), Consent Decree, or Consent Judgment.

The Environmental Division has identified 208 potentially responsive matters. A staff person spent 1.5 hours identifying these matters. This preliminary cost, using the lowest amount on the Secretary of State's Uniform Fee Schedule, \$0.33, would be \$29.70. We estimate that, on average, reviewing the files to determine responsiveness, and pulling and scanning or copying the responsive documents for these 208 matters will take 10 minutes for each matter. Note that to the extent older files are not readily available, pulling responsive documents may take longer than 10 minutes. You will notice our estimate for this phase of complying with your Public Records Act request is 10 minutes per matter, whereas for the Criminal Division it is 5 minutes per matter. We anticipate it taking slightly longer in the Environmental Division, because the Division's work encompasses several areas beyond enforcement, such as representing client agencies. Therefore, these non-enforcement matters will need to be weeded out to identify the matters responsive to your request.

We estimate that 208 potentially responsive matters requiring an estimated 10 minutes each (2,080 minutes) multiplied by \$0.33 would cost \$686.40. Together, with the preliminary cost of \$29.70, this totals \$716.10.

### **Public Protection Division**

As to the Public Protection Division's Consumer and Civil Rights Units, you have requested:

The initial complaint in any enforcement action from January 1, 2010 to April 17, 2019, including multistate lawsuits. Where no complaint was filed, you wish to receive the settlement document, such as an AOD, Consent Decree, or Consent Judgment.

#### **Consumer Unit**

The Consumer Unit estimates that responding to this portion of your request will take 19.5 hours of time for location, identification, file review, and copying or scanning. That equates to \$386.10 (1170 minutes x \$0.33 per minute).

#### **Civil Rights Unit**

The Civil Rights Unit estimates that responding to this portion of your request will take 5 hours. At \$ 0.33 per minute, the cost estimate is \$99.

### **Civil Division (Campaign Finance)**

As to the Civil Division, in the context of their work in the campaign finance arena, you have requested:

The initial complaint in any enforcement action relating to campaign finance from January 1, 2010 to April 17, 2019. Where no complaint was filed, you wish to receive the settlement document, such as an AOD, Consent Decree, or Consent Judgment.

Responding to this portion of your request will take no more than 30 minutes. At \$0.33 per minute, the cost estimate is \$9.90

### **Total Estimate**

The total estimated cost of responding to your Public Records Act request is \$9,793.00, as outlined in the chart below.

Criminal Division	\$ 8,591.80
Environmental Division	\$ 716.10
Consumer Unit	\$ 386.10
Civil Rights Unit	\$ 99.00
Civil Division (Campaign Finance)	\$ 9.90
(no charge for first 30 minutes)	\$ (9.90)
<b>TOTAL</b>	<b>\$ 9,793.00</b>

If you would like for us to proceed with your request, please forward a check for the total estimated cost of \$9,793.00 to my attention. If the actual cost to respond to your request is less than estimated, the difference will be refunded to you. If you would like to amend or further discuss your request, please let me know.

Sincerely,

/s/ Charity R. Clark  
Charity R. Clark  
Chief of Staff