

From: [Clark, Charity](#)
To: [D. S.](#)
Subject: Public records requests, dated April 23, 2020 to April 28, 2020
Date: Wednesday, May 13, 2020 3:04:13 PM
Attachments: [Shaddy PRA Batch Response 4.23.20 to 4.28.20.pdf](#)

Please see attached.

Charity R. Clark
Chief of Staff
Office of the Attorney General
109 State Street
Montpelier, Vermont 05609
802-828-3171

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

SARAH E.B. LONDON
CHIEF ASST. ATTORNEY GENERAL



TEL: (802) 828-3171

<http://www.ago.vermont.gov>

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

May 13, 2020

David Shaddy
[REDACTED]

Re: Vermont Public Records Act requests, dated April 23, 2020 to April 28, 2020

Dear Mr. Shaddy:

I write in response to your 16 pending requests for public records, dated April 23, 2020 to April 28, 2020. Below I address each in turn. As a reminder, correspondence concerning public records requests should be addressed to AGO.PublicRecords@vermont.gov. Correspondence addressed to another email address will not be accepted or responded to.

1.	4/23/20	Any records of a VT governmental “Department” named, the “Secretary of State”; the “Office of Professional Regulation”; any Vermont regulatory board or commission existing within either “Department”, above.
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The Attorney General’s Office is not the custodian of records for the Secretary of State’s Office, the Secretary of State’s Office of Professional Regulation (OPR), or any other board or commission “existing within” either the Secretary of State or OPR. Records requests for these entities should be directed to the Secretary of State or OPR themselves. As a courtesy, a webform for making such a request can be found here: <https://sos.vermont.gov/secretary-of-state-services/records-officer/>.

2.	4/23/20	Records of the existence of a civil, criminal, or limited jurisdiction court which has the jurisdiction to adjudicate executive licensing acts of whatever executive agency or official the AGO is claiming has “prosecution”, “enforcement”, and/or “licensing responsibility” authority over nurses licenses in VT
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The Attorney General’s Office has several potentially responsive documents. Our office will need to gather, review, and potentially redact these documents. A cost estimate for this work, allowing for the first 30 minutes to be free of charge, is \$6.84. If you would like to move ahead with this request for records, please send a check to the following address:

Charity Clark
Office of the Attorney General
109 State St.
Montpelier, Vermont 05609

Should the actual cost be less than the estimate, we will refund the difference to you.

Once we receive your check, we will move forward with fulfilling your request.

3.	4/24/20	Records of the Vermont Attorney General's oath of office
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The Journal of State of Vermont Joint Assembly is a record of the administration of the oaths of office taken by statewide elected officials. As a courtesy, I would refer you to the Vermont General Assembly's [homepage](#) for those journals.

The Attorney General's Office is not the custodian of such records and has no records responsive to your request.

4.	4/24/20	Records supporting the legal and factual existence of an "agency" of the Vermont government named the "Office of Legislative Council", and the Vermont public office of "Legislative Counsel", therein.
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This request is very broad and potentially has a large quantity of responsive documents. Before we compile a cost estimate for you, I recommend narrowing your request to focus on the documents you want. For example, you may wish only for documents maintained by a certain office within the Attorney General's Office, or certain types of documents. Also, I recommend providing a date range of the documents you seek. As a reminder, the [Uniform Schedule of Public Records Charges](#) is available on the Secretary of State's website.

Please let us know what you decide, and we will move ahead with preparing a cost estimate.

5.	4/25/20	Records of the establishment of a Vermont governmental subdivision named the "Attorney General's Office".
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As previously mentioned, the Attorney General's Office follows the [General Records Schedule](#). As such, the AGO is not the custodian of the records you seek. The [Vermont State Archives and Records Administration](#) would possess any records of the establishment of the Attorney General's Office, which occurred many years ago.

6.	4/25/20	Records of a “person”, as defined by the Vermont Administrative Procedure Act, named the “State of Vermont, and/or the “Office of Professional Regulation”, and/or the “State”, and/or the “Office of the State Prosecuting Attorneys”, and/or “State Prosecuting Attorney”, and/or “Secretary of State”
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As a preliminary matter, parts of your request have been addressed by previous public records requests. Specifically, as to “State of Vermont,” this request appears to be a duplicate of another request you made on April 25, 2020. My response to this earlier request can be found on the Attorney General’s website [here](#). Similarly, I have previously informed you that “Office of the State Prosecuting Attorneys” and “State Prosecuting Attorney” are not formal titles in the State of Vermont orbit. This response is available on the Attorney General’s website [here](#). As mentioned above, the Attorney General’s Office is not the custodian of records for either Office of Professional Regulation (OPR) or the Secretary of State. Therefore, you will need to bring any public records request relating to records belonging to either OPR or the Secretary of State to them directly. As to the State, as previously mentioned, the State of Vermont does not have a central office of public records. Instead, requesters need to make their requests to each agency, department, etc. directly.

To the extent you wish for a legal analysis as to whether OPR or the Secretary of State or the State fall within the definition of “person” under Vermont Administrative Procedures Act (VAPA), the Attorney General’s Office does not provide legal advice or legal research to constituents. As such, our response does not imply any legal analysis or conclusions with regards to the definition of “person” under the VAPA.

Given the foregoing, the Attorney General’s Office has no records responsive to your request.

7.	4/26/20	Records of a case or dispute between the Vermont Department of Labor and David Shaddy; any records of the attorneys representing either alleged party, and any records of the disputed facts or law in the alleged case or dispute.
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The Attorney General’s Office has no records of a case between “the Vermont Department of Labor and David Shaddy.” As to “disputes” between these parties, in order to effectively search our records, you will need to provide more clarity about what you mean by “disputes.”

8.	4/27/20	Records legally substantiating the Vermont Attorney General’s statements re: the existence of a Vermont Governmental Official named a “General Council”.
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As a preliminary matter, please let me know what statements you refer to. It would be best if you could email us a copy of the statements you attribute to the Attorney General, if possible.

Also, be advised that, as mentioned above, the Attorney General's Office represents the State of Vermont and, therefore does not and cannot provide legal advice or legal research to constituents.

9.	4/27/20	Records of a Vermont Attorney General unit which conducts internal investigations of complaints against employees or staff of the Vermont Attorney General; any records of a Vermont Attorney General unit which conducts investigations of corruption, fraud, and/or abuse complaints against Vermont governmental officials and employees.
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As you have previously been informed via email, the Vermont Department of Human Resources is the entity that investigates complaints against employees or staff of the Attorney General's Office. I have attached a copy of that email as a courtesy.

The Attorney General's Office has no records responsive to your request.

10.	4/27/20	Records of who has posted on the Vermont State Board of Nursing webpage, information stating that David Shaddy's Vermont State Board of Nursing, registered nurse license is suspended.
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The Attorney General's Office is not the custodian of the records you seek, and, therefore, has no responsive records.

11.	4/27/20	Records of the "regulatory authority" of the "Vermont State Board of Nursing" in the form of licensing.
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As previously mentioned in our response to your April 7, 2020 request for public records, available on our website [here](#), the Attorney General's Office no longer has enforcement authority over professional licensing. The State Board of Nursing is part of the Secretary of State's Office of Professional Regulation. The Attorney General's Office has no records responsive to your request.

To the extent you seek records related to the Attorney General's Office's past authority, such records would date to 2003 or before and, therefore, are no longer in the custody of the Attorney General's Office. Any responsive records would be in the custody of the [Vermont State Archives and Record Administration](#).

12.	4/28/20	Records of George Belcher, Esq., having ever been contracted or employed as an official named “Appellate Officer”.
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You may recall a previous request for public records you made on April 21, 2020 for “any public records of, or relating to, a ‘Judge Belcher.’” Our response, available on our website [here](#), included “any public records of, or relating to, a ‘Judge Belcher,’” other than those that are exempt from the Public Records Act. As such, any records responsive to this April 28, 2020 request would be subsumed in this earlier request you made on April 21, 2020.

13.	4/28/20	Records of a party, pursuant to the Vermont Administrative Procedure Act definitions, of an agency in the documents at the web link asserted by the Vermont Attorney General to have “historical” value in his prior statements.
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As a preliminary matter, please let me know what “documents at the web link” you refer to. It would be best if you could email us a copy of the documents you attribute to the Attorney General, if possible. Also, be advised that you reference a “web link,” but your request contained no links.

As mentioned above, the Attorney General’s Office does not provide legal advice or legal research to constituents. If you would like the records of a particular party, you will need to provide the name of that party. If you would like the records of a particular agency, you will need to make your request to that agency directly.

14.	4/28/20	Records of what agency, as defined by the Vermont Administrative Procedure Act, per the Vermont Attorney General’s prior “historical” statements, is a party to the documents at the web link he sent me
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As a preliminary matter, please let me know what statements you refer to. It would be best if you could email us a copy of the documents you attribute to the Attorney General, if possible. Also, be advised that you reference a “web link,” but your request contained no links.

Further, as mentioned above, the Attorney General’s Office does not provide legal advice or legal research to constituents. If you would like records related to a particular party, you will need to provide the name of that party. If you would like the records of a particular agency, you will need to make your request to that agency directly.

15.	4/28/20	Records, consistent with the Vermont Attorney General’s claims, of an administrative action entitled, “Office of Professional Regulation In Re: David Shaddy”, or “Secretary of State In Re: David Shaddy”, or “State of Vermont In Re: David Shaddy”, or “Office of the State Prosecuting Attorneys In Re: David Shaddy”.
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You refer to “the Vermont Attorney General’s claims....” It would be helpful if you could email us a copy of whatever documents or media in which the Attorney General made these claims.

Nonetheless, the Attorney General’s Office has performed a search for records containing an administrative action with the titles you provided. No responsive records were found. However, records were found regarding a case or cases involving “David Shaddy, RN” with a different case caption. If you would like those records, please let me know, and I can put together a cost estimate.

16.	4/28/20	Records of the Vermont Attorney General’s investigation and prosecution of the perpetrators of the crime recorded in the documents sent to me by the Vermont Attorney General; any records of the Vermont Attorney General unit which investigates and prosecutes such crimes on behalf of the people of the state of Vermont. Please include any records of that units contact information
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As a preliminary matter, please let me know what documents you refer to. It would be best if you could email us a copy of the documents you attribute to the Attorney General, if possible.

Sincerely,

/s/
 Charity R. Clark
 Chief of Staff

Attachment

From: [Matthews, Deborah](#)
To: [D. S.](#)
Cc: [Jewett, Sara](#)
Subject: RE: Internal complaint
Date: Tuesday, March 31, 2020 1:53:54 PM

Dear D. S.

I have already provided you with that information.

Deb Matthews
Administrative Assistant
Office of the Attorney General | GCAL
109 State Street, 3rd Floor
Montpelier, VT 05609
Phone | 802-828-3171
E-Mail \ deborah matthews@vermont.gov

-----Original Message-----

From: D. S. <shaddyrn@msn.com>
Sent: Tuesday, March 31, 2020 11:58 AM
To: Matthews, Deborah <Deborah.Matthews@vermont.gov>
Subject: Re: Internal complaint

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Sara has been unable to confirm your claim on behalf of the Vermont Attorney General that the Vermont Department of Human Resources is the Vermont Attorney General unit that conducts investigations of internal complaints.

She has been unable to confirm that the Vermont Department of Human Resources has any authority or jurisdiction of any kind at all. Can you provide that information?

Please provide me with the Vermont Attorney General unit which investigates complaints against the Vermont Attorney General and his employees.

Thank you!

Sent from my iPhone

> On Mar 26, 2020, at 11:33 AM, Matthews, Deborah <Deborah.Matthews@vermont.gov> wrote:

>

> As previously mentioned, the appropriate contact person to assist with a complaint against an employee of the AGO is Sara Jewett at the State of Vermont Department of Human Resources. Her email address is sara.jewett@vermont.gov

>

> Office of the Attorney General
> 109 State Street, 3rd Floor
> Montpelier, VT 05609
> Phone | 802-828-3171
> E-Mail \ AGO.Reply@vermont.gov

>

> -----Original Message-----

> From: D. S. <shaddyrn@msn.com>
> Sent: Thursday, March 26, 2020 11:24 AM

> To: Matthews, Deborah <Deborah.Matthews@vermont.gov>
> Subject: Re: Internal complaint
>
> EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.
>
> Thank you for forwarding my inquiry regarding my public records requests to the appropriate person.
>
> I have not received the requested information regarding complaints against employees of the AG (or, possibly TJ, himself).
>
> What unit investigates those complaints?
>
> Thank you
>
> Sent from my iPhone
>
>> On Mar 25, 2020, at 4:37 PM, Matthews, Deborah <Deborah.Matthews@vermont.gov> wrote:
>>
>> Dear D. S.,
>>
>> Please contact Sara Jewett at the State of Vermont Department of Human Resources to file a complaint against a member of the Attorney General's Office. Her email address is sara.jewett@vermont.gov
>>
>> Office of the Attorney General
>> 109 State Street, 3rd Floor
>> Montpelier, VT 05609
>> Phone | 802-828-3171
>> E-Mail \ AGO.Reply@vermont.gov
>>
>> -----Original Message-----
>> From: D. S. <shaddyrn@msn.com>
>> Sent: Wednesday, March 25, 2020 10:42 AM
>> To: AGO - Info <AGO.Info@vermont.gov>
>> Subject: Internal complaint
>>
>> EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.
>>
>> Good morning,
>>
>> Could you please direct me to the AG unit that investigates complaints against employees of the AG.
>>
>> Thank you
>>
>> Sent from my iPhone