

From: [Clark, Charity](#)
To: [Jeffrey D. Bartley](#)
Subject: Public Records Act request, dated September 1, 2020
Date: Wednesday, September 23, 2020 5:41:39 PM
Attachments: [KMF Text to MG 9-8-20 \(2\).JPG](#)
[KMF Text to MG 9-8-20 \(1\).JPG](#)
[Bartley Response Tranche 3.pdf](#)
[Bartley Tranche 3 Letter.pdf](#)

Please see attached.

Charity R. Clark
Chief of Staff
Office of the Attorney General
109 State Street
Montpelier, Vermont 05609
802-828-3171
Pronouns: she/her/hers

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

Via email to [REDACTED]

September 23, 2020

Jeff Bartley
[REDACTED]
[REDACTED]

Re: Vermont Public Records Act request, dated September 1, 2020

Dear Jeff:

Attached please find the third tranche of documents responsive to your request for public records, dated September 1, 2020. You requested:

1. Any and all communication (including but not limited to email and text messages) between Molly Gray and any other Office of the Attorney General staff (including the Attorney General) on her run for elected office.

All responsive records are produced herewith.

2. Any and all communication (including but not limited to email and text messages) between any Office of Attorney General staff (including the Attorney General) on Molly Gray's run for elected office.

Having completed our search for responsive records of AGO staff at the Criminal Division, Department of Mental Health, Department of Corrections, and the AGO Front Office, we expanded our search to the remainder of the office. As of today, I have heard from roughly 40 additional staff members. None had a responsive record that has not already been produced. We will continue to produce any responsive records on a rolling basis.

Attached you will find a screenshot of a responsive text from a paralegal in our Criminal Division, which I neglected to include in our Tranche 2 production as it is in JPEG format.

3. Molly Gray's official calendars (digital and otherwise)

We expect to respond fully in a matter of days, hopefully this week.

4. Any communication from Molly Gray asking for time off (paid or otherwise) after October 1, 2019.

All responsive records have been previously produced.

5. Molly Gray's reimbursements submitted to the Office of the Attorney General, including, but not limited to mileage reimbursements, food reimbursements and hotel reimbursements since October 1, 2019.

As previously mentioned, there are no records responsive to this request.

Please let me know if you have any questions.

Sincerely,

/s/ _____
Charity R. Clark
Chief of Staff

From: [Diamond, Joshua](#)
To: [AGO - Everybody](#)
Subject: AGO Political Activity Policy
Date: Wednesday, March 4, 2020 7:52:59 PM
Attachments: [AGO Political Activity 3-4-20.pdf](#)

Folks,

With the election season upon us, I'm circulating the AGO's Political Activity Policy. Should you have any questions or concerns, please let me know.

Best, Josh

Joshua R. Diamond, Deputy Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, Vermont 05609
802-828-3175
joshua.diamond@vermont.gov

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. **DO NOT** read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Vermont's lobbyist registration and disclosure law applies to certain communications with and activities directed at the Attorney General. Prior to any interactions with the Office of the Vermont Attorney General, you are advised to review Title 2, sections 261-268 of the Vermont Statutes Annotated, as well as the Vermont Secretary of State's most recent compliance guide available at <https://www.sec.state.vt.us/elections/lobbying.aspx>.

Attorney General's Office – Political Activity

The AGO follows the State of Vermont Personnel Policies regarding political activity by employees. Below are summaries of some of those policies. AGO personnel engaged in political activity should review the State Personnel Manual at: <https://humanresources.vermont.gov/labor-relations/manual>.

In addition, AAGs should review the AGO Guide for Assistant Attorneys General regarding “outside activities” (permitted to the extent they do not conflict with AAG work) and “personal appearances” (no gifts from outside sources for AAG work).

- **Political activity, see generally Personnel Manual 5.7:** State employees may engage in political activities, including running for office, subject to conditions. Employees shall not engage in political activity on State time or with State equipment, shall **not** make political solicitations on State property, and shall not engage in political activity that interferes with performance of State duties “unless a leave of absence has been approved by the employee’s appointing authority.”

- Personnel Manual 5.6: “Employees shall devote their full time, attention, and effort to the duties and responsibilities of their positions during their scheduled work time, except when other activities are authorized by law, rule, or contractual agreement, or are approved by the appointing authority.” “Employees may not engage in any outside employment, activity, or enterprise during work hours.”
- AGO personnel engaged in political activity are encouraged to keep track of personal/ annual leave versus worktime via State Outlook calendar, in addition to keeping accurate timesheets.
- AGO personnel engaged in political activity should be cognizant of the AGO’s statutory role with respect to enforcement of campaign finance and lobbying laws, and (consistent with other candidates) shall not seek AGO legal advice regarding compliance with such laws.
- AAGs engaged in political activity that involves receipt of political contributions may wish to consult with Bar Counsel and/or the State Ethics Committee.

- **Email & devices, see generally Personnel Manual Sec. 11.7:** State email and all State equipment is only for State business.

- **Confidentiality, see generally Personnel Manual 5.6:** “Employees shall not disclose, directly or indirectly, information which they receive or have access to by

virtue of their official duties, either for the private gain or benefit of themselves or others, except as authorized by their superiors or by law.”

- **Confidentiality, Vermont Rules of Professional Conduct 1.6.** “(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is required by paragraph (b) or permitted by paragraph (c)...”

- **Trial Publicity, Rule 3.6.** “(a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter... (d) No lawyer associated in a firm or government agency with a lawyer subject to paragraph (a) shall make a statement prohibited by paragraph (a).”

From: [Gray, Molly](#)
To: [London, Sarah](#)
Subject: FW: Hatch Act
Date: Tuesday, February 18, 2020 10:11:00 AM

FYI

Molly R. Gray, Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, Vermont 05609
802-828-0280
molly.gray@vermont.gov

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Vermont's lobbyist registration and disclosure law applies to certain communications with and activities directed at the Attorney General. Prior to any interactions with the Office of the Vermont Attorney General, you are advised to review Title 2, sections 261-268 of the Vermont Statutes Annotated, as well as the Vermont Secretary of State's most recent compliance guide available at <https://www.sec.state.vt.us/elections/lobbying.aspx>.

From: Gray, Molly
Sent: Tuesday, February 18, 2020 10:11 AM
To: Reynolds, Bill <bill.reynolds@vermont.gov>
Subject: RE: Hatch Act

Thanks Bill, I discussed with Sarah this was all reviewed as part of the office approval process.

Molly R. Gray, Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, Vermont 05609
802-828-0280
molly.gray@vermont.gov

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Vermont's lobbyist registration and disclosure law applies to certain communications with and activities directed at the Attorney General. Prior to any interactions with the Office of the Vermont Attorney General, you are advised to review Title 2, sections 261-268 of the Vermont Statutes Annotated, as well as the Vermont Secretary of State's most recent compliance guide available at <https://www.sec.state.vt.us/elections/lobbying.aspx>.

From: Reynolds, Bill <bill.reynolds@vermont.gov>
Sent: Tuesday, February 18, 2020 10:09 AM
To: Gray, Molly <Molly.Gray@vermont.gov>
Subject: Hatch Act

Molly, You and Josh may have already reviewed this information. If so, never mind.

Here is the link to the Office of Special Counsel's website: <https://osc.gov/>

It appears there is conflicting information on the OSC website regarding state employees

| | |
|--|--|
| If an agency receives federal grants or loans, are all employees of that agency covered by the Hatch Act? | HATCH ACT STATE, LOCAL, AND NONPROFIT EMPLOYEES WHO IS COVERED? |
|--|--|

No, not necessarily. If an agency receives federal grants or loans, only those employees of the agency who, as a normal and foreseeable incident of their employment, perform duties in connection with activities financed in whole or in part by the federal grants or loans are subject to the Act.

However, see the Advisory opinion regarding the Hatch Act Modernization Act of 2012

<https://osc.gov/Documents/Hatch%20Act/Advisory%20Opinions/State%20and%20Local/Use%20of%20Official%20Title%20by%20State%20and%20Local%20Employees%20Who%20May%20Run%20for%20Partisan%20Political%20Office.pdf>

From: [Gray, Molly](#)
To: [Blaisdell, Eric](#)
Cc: [Clark, Charity](#); [Padula, Domenica](#)
Subject: FW: Helfant Investigation - Times Argus
Date: Thursday, February 6, 2020 11:02:00 AM

Hi Eric,

I am forwarding your request on to Charity Clark in Cc who handles all media inquiries.

Best,
Molly

Molly R. Gray, Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, Vermont 05609
802-828-0280
molly.gray@vermont.gov

PRIVILEGED & CONFIDENTIAL COMMUNICATION: This communication may contain information that is privileged, confidential, and exempt from disclosure under applicable law. DO NOT read, copy or disseminate this communication unless you are the intended addressee. If you are not the intended recipient (or have received this E-mail in error) please notify the sender immediately and destroy this E-mail. Vermont's lobbyist registration and disclosure law applies to certain communications with and activities directed at the Attorney General. Prior to any interactions with the Office of the Vermont Attorney General, you are advised to review Title 2, sections 261-268 of the Vermont Statutes Annotated, as well as the Vermont Secretary of State's most recent compliance guide available at <https://www.sec.state.vt.us/elections/lobbying.aspx>.

From: Eric Blaisdell <eric.blaisdell@timesargus.com>
Sent: Thursday, February 6, 2020 10:52 AM
To: Gray, Molly <Molly.Gray@vermont.gov>
Subject: Helfant Investigation - Times Argus

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

Ms. Gray,

I understand you are handling the investigation into Northfield Police Chief John Helfant. I'm checking on the status of that investigation as it's been ongoing for over a year now. I'm wondering why this is taking as long as it is considering the Attorney General's office investigated another police department, Bellows Falls, which started in the fall and is said to be wrapping up soon.

https://www.timesargus.com/news/vermont_wire/vermont-attorney-general-investigating-

[police-department/article_8d3b37c2-c5f9-5197-99e0-e354334752a8.html](https://www.timesargus.com/police-department/article_8d3b37c2-c5f9-5197-99e0-e354334752a8.html)

I also understand you are running for Lieutenant Governor. Will your campaign have any impact on the this investigation or cause any delays?

Thank you

Eric Blaisdell

The Times Argus

802-417-7705



GM

Molly >

Yesterday 10:12 AM

Molly, congratulations on winning the primary. I know you're super busy with the campaign, but I need you to do something for the office.

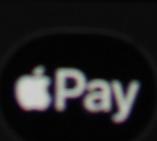
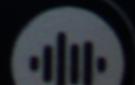
In your email you will find a notice from e-signature. I need you to click on the link, fill in all the fields and then electronically sign. The judiciary has redone their criminal courts online agreement and we all have to do this.

I hope you are well and that the campaign is going great! Call me if you have any

questions



iMessage





Molly >

in your email you will find a notice from e-signature. I need you to click on the link, fill in all the fields and then electronically sign. The judiciary has redone their criminal courts online agreement and we all have to do this.

I hope you are well and that the campaign is going great! Call me if you have any questions.

Delivered

Yesterday 1:44 PM

Hi Karen, I hope all is well and thanks so much for the note. I'll do it. Thanks!



iMessage

