

## Robinson, Beth

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**From:** Brian Fleisher [drflash1@wcvr.com]  
**Sent:** Friday, June 10, 2011 10:23 PM  
**To:** Robinson, Beth  
**Subject:** RE: Public Records Request

Hi Beth,

Thank you for your quick action. I did receive an acknowledgement from Dirk Anderson today concerning the two requests and he is reviewing them.

I will keep you updated on the progress.

Thanks again.

Brian

496-3712

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**From:** Robinson, Beth [mailto:[Beth.Robinson@state.vt.us](mailto:Beth.Robinson@state.vt.us)]  
**Sent:** Friday, June 10, 2011 5:44 PM  
**To:** Brian Fleisher  
**Cc:** Robinson, Beth  
**Subject:** RE: Public Records Request

Dear Mr. Fleisher-

I just wanted to let you know that I've made contact with Counsel for the Department of Labor and he is working on a response to your request. I'll be back in touch once I have confirmation from him that he has responded. I didn't want to let the week end without getting back to you.

Thanks,  
Beth

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**From:** Brian Fleisher [mailto:[drflash1@wcvr.com](mailto:drflash1@wcvr.com)]  
**Sent:** Thursday, June 09, 2011 11:15 AM  
**To:** Robinson, Beth  
**Subject:** Public Records Request

Hi Beth,

I am providing copies of the emails I sent to Ernest (Tom) Tomasi on May 23 and May 31, 2011. As I described in my phone conversation with you this morning I have not received any response at all from the Vermont Department of Labor office. Tom can be reached at 828-4376.

It was suggested I contact your office by Brian Levin at the Secretary of State's office.

Thank you in advance for any assistance you can provide.

Sincerely,  
Brian Fleisher

## Robinson, Beth

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**From:** Anderson, Dirk  
**Sent:** Friday, July 01, 2011 11:06 PM  
**To:** Robinson, Beth  
**Subject:** Re: Public Records Request

Hi Beth,

I was just discussing with Annie yesterday. We produced a bunch of stuff, and held back other stuff based on attorney-client privilege and another individual's file based on federal confidentiality regs. Mr. Fleisher responded yesterday afternoon. He didn't seem to take issue with the exemptions, but insists that there are "other" records we're holding back. He asked Annie to personally direct certain staff members to immediately produce these other records, which he didn't identify. Accordingly, we've asked those folks to take another look and give me anything they can find related to his request. They're doing that, and I'll have a draft response to Mr. Fleisher Tuesday pm, I'll run it by you if you want.

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**From:** Robinson, Beth  
**Sent:** Friday, July 01, 2011 04:53 PM  
**To:** Anderson, Dirk  
**Cc:** Robinson, Beth  
**Subject:** RE: Public Records Request

Hey Dirk-  
I'm just checking in. Is this still open?  
Thanks!

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**From:** Anderson, Dirk  
**Sent:** Friday, June 17, 2011 7:43 AM  
**To:** Robinson, Beth  
**Subject:** RE: Public Records Request

Not yet. We are still gathering documents for Mr. Fleisher. I'll keep in the loop.

Dirk

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**From:** Robinson, Beth  
**Sent:** Thursday, June 16, 2011 5:36 PM  
**To:** Anderson, Dirk  
**Subject:** RE: Public Records Request

Hey Dirk-  
Has this run its course?  
Thanks,

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**From:** Anderson, Dirk  
**Sent:** Thursday, June 09, 2011 12:01 PM  
**To:** Rickert, Valerie  
**Cc:** Noonan, Annie; Wolffing, Erika; Robinson, Beth  
**Subject:** RE: Public Records Request

Val,

I have been working with Greg Voorheis on in connection with Mr. Fleisher's WIA OJT complaint, where most of these issues have surfaced. I was unaware of that Mr. Fleisher was also going through Tom T. in the context of a public records request. I will follow up on this with Tom.

Dirk Anderson  
General Counsel  
Vermont Department of Labor  
PO Box 488  
Montpelier VT 05601-0488  
Tel: 802-828-4391  
Cell: 802-595-5436  
Fax: 802-828-4046  
[dirk.anderson@state.vt.us](mailto:dirk.anderson@state.vt.us)

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**From:** Rickert, Valerie  
**Sent:** Thursday, June 09, 2011 11:45 AM  
**To:** Anderson, Dirk  
**Cc:** Noonan, Annie; Wolffing, Erika; Robinson, Beth  
**Subject:** FW: Public Records Request

Dirk:

Did Tom pass this information along to you or Steve by chance?

Val

Valerie Rickert, Deputy Commissioner  
Vermont Department of Labor  
802-828-4100

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**From:** Robinson, Beth  
**Sent:** Thursday, June 09, 2011 11:07 AM  
**To:** Noonan, Annie; Rickert, Valerie  
**Cc:** Wolffing, Erika  
**Subject:** FW: Public Records Request

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**From:** Brian Fleisher [<mailto:drflash1@wcvr.com>]  
**Sent:** Thursday, June 09, 2011 11:15 AM  
**To:** Robinson, Beth  
**Subject:** Public Records Request

Hi Beth,

I am providing copies of the emails I sent to Ernest (Tom) Tomasi on May 23 and May 31, 2011. As I described in my phone conversation with you this morning I have not received any response at all from the Vermont Department of Labor office. Tom can be reached at 828-4376.

It was suggested I contact your office by Brian Levin at the Secretary of State's office.

Thank you in advance for any assistance you can provide.

Sincerely,  
Brian Fleisher

**From:** Brian Fleisher [mailto:drflash1@wcvr.com]  
**Sent:** Monday, May 23, 2011 4:12 PM  
**To:** Tom Tomasi (tom.tomasi@state.vt.us)  
**Subject:** Public Records Request

Tom,

I am submitting this Public Records Request for all information relating to my employment at MBA HealthGroup under the OJT contract of the WIA funding. This employment was in the time of October 2009 - February 2010 and should include any records, documents, notes, emails etc. up to and including the present. Specifically and including any information surrounding a contact made by the MBA Human Resource person, Tamika Fleury, with Lorraine Ambrosini or any other case worker or office personnel on or about February 16, 2010.

In addition I am requesting any information relating to my conversation with John Vowles in March 2010 when he told me that no new trainees were being placed with MBA. What were the circumstances and reasons surrounding that decision including requests for funding for trainees by MBA in the January - July period of 2010.

In addition I am requesting any information relating to a conversation between Dirk Anderson and my attorney, John Page, in the March - April period of 2011 when Dirk told John that no new trainees were being placed with MBA. What were the circumstances and reasons surrounding Dirk's knowledge of that decision including requests for funding for trainees by MBA in the January - July period of 2010.

Thank you for your assistance.

Sincerely,  
Brian Fleisher

**From:** Brian Fleisher [mailto:drflash1@wcvr.com]  
**Sent:** Tuesday, May 31, 2011 9:28 AM  
**To:** Tom Tomasi (tom.tomasi@state.vt.us)  
**Subject:** Public Records Request

Hi Tom,

I have a new request and was wondering what the status is of my previous request from 5/23/11.

My new request is for any contacts including emails, phone calls, contracts, between MBA HealthGroup and the Vermont Department of Labor relating to Workforce Investment Act On the Job Training during the period of April, 2009 through May 2011.

Thank you,

Brian Fleisher

## Robinson, Beth

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**From:** Robinson, Beth  
**Sent:** Tuesday, July 26, 2011 12:21 PM  
**To:** Brian Fleisher  
**Cc:** Robinson, Beth  
**Subject:** RE: your request

Dear Mr. Fleisher-

I have spoken with Dirk Anderson. I understand that he is going above and beyond in response to your belief that the Department has not provided every document responsive to your request, and that he is actually involving DII in a search. Any specifics you can provide to support your view that the disclosure has been incomplete would of course be helpful, as it appears that Mr. Anderson has gone above and beyond here.

Thanks,  
Beth

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**From:** Brian Fleisher [<mailto:drflash1@wcvr.com>]  
**Sent:** Wednesday, July 20, 2011 8:16 AM  
**To:** Robinson, Beth  
**Cc:** Anderson, Dirk; Noonan, Annie  
**Subject:** FW: your request

Hi Beth,

I would like to ask for your help again in securing the records I have requested. It has now been eight weeks since my original request on May 23 and I still have not received the full accounting. Dirk Anderson appears to be acting in good faith but I cannot say the same of some others. I appreciate that he involved the DII on his own initiative but I would have asked you to do that if he had not.

This is now the third attempt to obtain a full accounting of relevant records. The first two were blatantly incomplete. The most obvious reason for withholding is that people are hiding something. I can tell you that I know for a fact and can provide proof that there has not been full disclosure.

I am asking if you will check in with the people at the Department of Information and Innovation and let them know that you are aware of and keeping eyes on this process. Your involvement seems to keep things on track for obvious reasons.

Thank you for your assistance.

Sincerely,  
Brian Fleisher

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**From:** Anderson, Dirk [<mailto:Dirk.Anderson@state.vt.us>]  
**Sent:** Friday, July 15, 2011 6:21 PM  
**To:** 'Brian Fleisher'  
**Cc:** Noonan, Annie  
**Subject:** your request

Hi Brian,

I will be out of the office all next week, so I wanted to get back to you before I left. I sent the request to DII (Dept. of Information and Innovation) on Wednesday, as I told you. I have confirmed that my request has been logged in to their record request system, but I have not heard back from them yet, so I'm afraid I don't have any concrete information to give you at this time. I will check with them when I return on Monday the 25<sup>th</sup>.

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Vermont Department of Labor  
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Fax: 802-828-4046  
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## Robinson, Beth

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**From:** Robinson, Beth  
**Sent:** Friday, July 29, 2011 6:32 PM  
**To:** Brian Fleisher  
**Cc:** Robinson, Beth; Anderson, Dirk  
**Subject:** RE: your request

Thanks, Mr. Fleisher, for your response.

In general, under the public records law we can't provide records that we don't have/find. I understand that you believe some records to exist that have not turned up in Mr. Anderson's review. His willingness to involve the State's technology managers in attempting to help with a search is quite unusual in my limited experience, and I commend him for going the extra mile. I'm hoping that his efforts will bear fruit and/or satisfy your concerns. In any event, I gather the ball is in his court right now, and that he's working on it.

Thanks!  
Beth

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**From:** Brian Fleisher [mailto:drflash1@wcvr.com]  
**Sent:** Thursday, July 28, 2011 3:13 PM  
**To:** Robinson, Beth  
**Subject:** RE: your request

Beth,

Thank you for contacting Dirk Anderson. It is not my belief but a fact of which I have proof that there have been documents withheld.

I did give him some guidance on documents that I know have been withheld but obviously I don't know what I don't know. I think it would be clear to him since he is familiar with my complaint and he would agree that some of what I suggested was missing actually was being withheld. I do know some specifics but am looking to find out whatever else might be relevant to my complaint. Through the hearing that was held and the documents I have received I have learned how VDOL employees have lied, distorted, covered up, and blocked what I consider my legitimate rights and tried to protect themselves from liability.

I would like to know why you consider that Dirk is going "above and beyond" in providing the documents I requested. As I said, I do believe that so far he is acting in good faith but everyone else I have interacted with at VDOL has operated with less than integrity. And yes, I have proof of that too. So my question does not apply to Dirk personally but to the Vermont Department of Labor and whoever might be involved in handling my Public Records Request. It is my belief that *full* compliance with the Public Records Statute is a normal part of any State employee's job and the same for whoever is facilitating that process. I also believe that businesses and governments should honor contracts and play by the rules which is why I have filed my complaint against VDOL and MBA HealthGroup because they apparently don't think they have to.

Vermont's Public Records Law is not some archaic 19th century law. It is a vibrant and current statute that is being considered for strengthening by reducing exemptions and including government contractors under its jurisdiction. Timely response is an important factor in the existing Statute which as I read it is roughly within a 2 week period. From the time my original two requests were ignored (until you got involved) and the following 2 responses were incomplete it has now been 9 weeks. It is delaying another filing I will make. I am in no way intending to be sarcastic and this is not rhetorical. I am completely serious in trying to understand how Dirk's actions are "above and beyond," and would like to know what you would consider a normal or standard response to fulfilling any Records Request when the participants

have not fully complied. I have acknowledged my appreciation for his efforts but to me it would seem that falls within the normal range of whoever is facilitating a Request. If I am expecting too much it would be helpful for me to know that and what procedure I would follow to secure compliance.

Thank you for your consideration and oversight in this process.

Sincerely,  
Brian

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**From:** Robinson, Beth [mailto:Beth.Robinson@state.vt.us]  
**Sent:** Tuesday, July 26, 2011 12:21 PM  
**To:** Brian Fleisher  
**Cc:** Robinson, Beth  
**Subject:** RE: your request

Dear Mr. Fleisher-

I have spoken with Dirk Anderson. I understand that he is going above and beyond in response to your belief that the Department has not provided every document responsive to your request, and that he is actually involving DII in a search. Any specifics you can provide to support your view that the disclosure has been incomplete would of course be helpful, as it appears that Mr. Anderson has gone above and beyond here.

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**Sent:** Wednesday, July 20, 2011 8:16 AM  
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**Cc:** Anderson, Dirk; Noonan, Annie  
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I am asking if you will check in with the people at the Department of Information and Innovation and let them know that you are aware of and keeping eyes on this process. Your involvement seems to keep things on track for obvious reasons.

Thank you for your assistance.

Sincerely,  
Brian Fleisher

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**From:** Anderson, Dirk [mailto:Dirk.Anderson@state.vt.us]  
**Sent:** Friday, July 15, 2011 6:21 PM  
**To:** 'Brian Fleisher'  
**Cc:** Noonan, Annie  
**Subject:** your request

Hi Brian,

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Vermont Department of Labor  
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## Robinson, Beth

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**From:** Anderson, Dirk  
**Sent:** Friday, August 05, 2011 3:27 PM  
**To:** 'Brian Fleisher'  
**Cc:** Robinson, Beth  
**Subject:** RE: Records

Thanks Brian, I will follow up on this on Monday.

Dirk Anderson  
General Counsel  
Vermont Department of Labor  
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Tel: 802-828-4391  
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**From:** Brian Fleisher [<mailto:drflash1@wcvr.com>]  
**Sent:** Friday, August 05, 2011 1:14 PM  
**To:** Anderson, Dirk  
**Cc:** Robinson, Beth  
**Subject:** RE: Records

Hi Dirk,

I have included an email from Becky to me from the day after I was fired. She clearly states she emailed Tamika. I believe this is the same email that was read by Tamika at the hearing during Becky's testimony. *In what you have provided me I have no emails between Becky and Tamika and it is just inconceivable to me that there are not numerous emails between them over the period from October 2009 - May 2011.* Are you or anyone else filtering any types of emails for any reason? I know the one I noted exists and knowing that Becky's choice of communication is email I am sure there are others and am disturbed that they are not being provided.

Additionally there are 2 requests for guidance from Becky. One to John Vowles on March 26, 2010, 1:45 pm and one to Greg Voorheis on May 11, 2011, 11:46 am. There is no response provided from either John or Greg and while I understand it is possible there was a verbal response I still find it suspicious considering the subject. It goes to the heart of how VDOL has handled the transmission of information which apparently is still an issue.

Brian

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

**From:** Trudeau, Becky  
**To:** [Brian Fleisher](mailto:Brian.Fleisher@state.vt.us)  
**Sent:** Tuesday, February 23, 2010 11:40 AM  
**Subject:** RE: MBA Healthgroup

I emailed Tamila about your performance this morning and have not heard back for her yet. What was her reason for letting you go? I do plan to take to her about this IF she ever returns my call or email.

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**From:** Brian Fleisher [<mailto:drflash1@wcvr.com>]  
**Sent:** Tuesday, February 23, 2010 10:35 AM  
**To:** Trudeau, Becky  
**Subject:** MBA Healthgroup

Hi Becky,

I guess I wasn't doing as well as I thought at MBA. I was fired last night. So don't give them any more money.

I should be available much of today at 802-496-3712 if you want to call or email me a time to call you.

Brian

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**From:** Anderson, Dirk [<mailto:Dirk.Anderson@state.vt.us>]  
**Sent:** Wednesday, August 03, 2011 4:43 PM  
**To:** 'Brian Fleisher'  
**Subject:** RE: Records

Hi Brian,

I recently heard back from the IT people. A full response is attached, which will go in the mail tomorrow. Aside from one fairly inconsequential email, we found nothing.

Dirk Anderson  
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**From:** Brian Fleisher [<mailto:drflash1@wcvr.com>]  
**Sent:** Wednesday, August 03, 2011 10:52 AM  
**To:** Anderson, Dirk  
**Subject:** Records

Hi Dirk,

Any progress on securing the additional records?

Brian