

London, Sarah

From: London, Sarah
Sent: Friday, October 24, 2014 5:13 PM
To: 'Wallace Nolen'
Subject: RE: I thought you would be contacting me today after of in-person conversation!

Dear Mr. Nolen, Nice meeting with you the other day.

As we discussed yesterday, the majority of courts have held that not all records of public employees are public records. *See, e.g., Associated Press v. Canterbury*, 688 S.E.2d 317 (W. Va. 2009) (“the purpose of the law is to open government activity to public scrutiny, not to disclose information about private citizens”).

Thank you for your formal request. We will process it in the normal course of business.

Sincerely,
Sarah

From: Wallace Nolen [mailto:wallacenolen5@yahoo.com]
Sent: Friday, October 24, 2014 3:56 PM
To: London, Sarah
Cc: wallacenolen5@yahoo.com; vtgovernor@state.vt.us; Allen, Susan; julie.cadwallader.staub@state.vt.us; Carrier, Janis; Green, Geoff; Kunin, Lisa; Miller, Lawrence; Miller, Elizabeth; Mishaan, Jessica; Trombley, Shana; Richards, Alyson; peter.shumlin@state.vt.us; Spaulding, Susan; carolyn.westley@state.vt.us
Subject: I thought you would be contacting me today after of in-person conversation!

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I have not gotten the following records:

- 1) Anything which would show or tend to show the full names (not initials), titles, salaries, physical work (not home address), voice telephone numbers (including but not limited to land line, cell, IP, satellite, etc.), fax telephone numbers, email address, and any other information which is not exempt pursuant to state or federal statutes contained in the computer file(s) which have the other information. I believe it exists in computer format which is the form I desire it in.
- 2) I asked for a copy of any and all "address books" on any computer used by any employee of the Governor's office. As we discussed assuming arguendo that such employee has incorporated personal (non-business) information within the same address book the courts have held that such information must be provided.
- 3) I asked for the computer file(s) in which the governor's office uses to send out press releases and/or similar notices and/or announcements. Once again upon information and belief there is nothing contained in such a file which is exempt. I also believe that such file contains the full contact information of each contact, not just the email address(es) which is what I was supplied many months ago and which in that request as in this one I have appealed the denial of access.

In our in-person conversation yesterday I asked and you said you'd be sending me various decisions and/or official opinions of some sort to support your position that items of information we discussed might be exempt. As of this moment I have not gotten any response whatsoever from you or anyone else from the Governor's office as not only required pursuant to the Vermont Open Records Law, but also pursuant to the oral promise you gave me.

I thought that these issues could be resolved without my seeking judicial intervention and public disclosure of these and other acts/omissions we discussed. I stand ready to discuss them, but should I not hear from you or someone

from the governor's office I will without further notice or delay seek judicial intervention both to compel the production of the subject records but also sanctions pursuant to 1 VSA section 320 et seq.

It will be interesting to see how the voters react to failure to comply with the Vermont Open Records Law, your promises and most importantly the governor's own promises before and after being sworn in as Governor that he would insure that if elected there would be transparency in Vermont government!

Wallace Nolen
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