

From: Mishaan, Jessica
Sent: Thursday, May 05, 2016 11:46 AM
To: costa@wcax.com
Subject: WCAX Record Request Appeal

Jennifer,
Please find the email below from Darren Springer.
Thank you,
Jessica

Jessica Mishaan | Paralegal
Office of the Governor
109 State Street
Montpelier, VT 05609-0101
802.828.3333

Dear Jennifer,

I write in response to your appeal of the partial denial of your public records act request for correspondence of the Governor's Office regarding Peep the Duck and WCAX's story regarding Peep the Duck. In response to your request, the Governor's Office produced 18 emails to the Governor, and email chains involving our Press Secretary, Secretary of Civil and Military Affairs and current and former Chiefs of Staff. We withheld certain communications involving the Governor's senior staff and the Governor as executive privileged communications pursuant to 1 V.S.A. § 317(c)(1) and (4).

Consistent with state and federal precedent, we have taken the position that the communications of the Governor's senior staff may fall within the doctrine of executive privilege. The policy underlying this approach is to ensure that the Governor's close advisors receive, and in turn provide, frank advice to inform the Governor's decision making.

With respect to the withheld communications about Peep the Duck, I will not depart from our precedent and waive executive privilege. I am therefore denying your appeal of the partial denial of your request.

Please be aware you may appeal this determination as provided in 1 V.S.A. § 319.

Sincerely,

Darren Springer