

February 8 October 6, 2016

~~James A. Valente~~ Ian Mandel  
950 N. Washington Street ~~92 Green Street~~  
Alexandria ~~Brattleboro~~, VA 22314 ~~304~~

Dear ~~Mr. Valente~~ Mr. Mandel:

This is in response to your access to records request dated ~~January 25~~ September 22, 2016. Your request seeks e-mail communications to and from Lt. Governor Scott, Rachel Feldman and Nancy Driscoll/Brooks and a number of different email addresses from January, 2011 through September 22, 2016.

As your request stipulated a willingness to pay up to \$100 to fulfill this request, it was necessary for us to ascertain the number of records responsive to preliminary searches in order to come up with an estimated cost. Our preliminary searches identified 1,989 potentially responsive records.

Consulting with counsel, obtaining archived records from the Department of Information and Innovation and performing the searches, all of which were necessary to do per your request, took 360 minutes of senior-level staff time (57¢ per minute). Subtracting the first 30 minutes, the cost totals \$188.10 in already incurred charges. Please note we did not include time incurred by counsel and other state employees in this number.

#### Request No. 1

*All communications (emails, letters, text messages, faxes, and other documents) from January 1, 2015 to the present to or from Lieutenant Governor Phil Scott relating to Dubois Construction and/or actual or perceived conflicts of interest in the state bidding process.*

#### Response

~~Several records responsive to this request are enclosed. They include several email exchanges found using the search terms: "Dubois," "conflicts" and "bidding." Due to the quantity of emails which included one or more of these search terms, they have been divided into two groups: primary and secondary. Primary documents are all that relate directly to your inquiry. Secondary documents are all which contain those search words but are not relevant to the inquiry. These secondary documents include all daily press clips which contain references to "Dubois," "conflicts" and "bidding." We did not include press clips because they are voluminous and are readily available online.~~

#### Request No. 2

*All communications (emails, letters, text messages, faxes, and other documents) from January 1, 2015 to the present to or from Rachel Feldman relating to Dubois Construction and/or actual or perceived conflicts of interest in the state bidding process.*

#### Response

Several records responsive to this request are enclosed. They include several email exchanges found using the search terms: "Dubois," "conflicts" and "bidding." Due to the quantity of emails which included one or more of these search terms (especially "conflicts" as the above person is in charge of scheduling and thus the term "scheduling conflicts" is used quite frequently) they have been divided into two groups: primary and secondary. Primary documents are all that relate directly to your inquiry. Secondary documents are all which contain those search words but are not relevant to the inquiry.

### **Request No. 3**

You have also requested, from January 1, 2015 to the present:

*All communications (emails, letters, text messages, faxes, and other documents) from January 1, 2015 to the present to or from Lieutenant Governor Phil Scott relating to the Scott for Governor campaign, including the planning of that campaign prior to its existence.*

### **Response:**

Several records responsive to this request are enclosed. They include several email exchanges found using the search term: "campaign". Due to the quantity of emails which included this search term, they have been divided into two groups: primary and secondary. Primary documents are all that relate to the use of the keyword in relation to a political campaign. Secondary documents are all which contain the search word but are not relevant to the inquiry. These secondary documents include all email newsletters which contained references to 2016 Vermont gubernatorial campaigns in the order in which they were received. If newsletters were received by both parties, we chose to only print them once in order to save paper.

### **Request No. 4**

You have also requested, from January 1, 2015 to the present:

*All communications (emails, letters, text messages, faxes, and other documents) from January 1, 2015 to the present to or from Rachel Feldman relating to the Scott for Governor campaign, including the planning of that campaign prior to its existence.*

### **Response:**

Several records responsive to this request are enclosed. They include several email exchanges found using the search term: "campaign". There is only a primary group of records for this search term. This group also contains one email from the "Lisman for Vermont" campaign. It is included because it references another Vermont gubernatorial campaign, although Rachel Feldman never signed up for the Lisman campaign's mailing list, yet has been receiving all of their emails at her now outdated email address: [rachel.feldman@state.vt.us](mailto:rachel.feldman@state.vt.us) since the beginning of the Lisman campaign. Other emails of this type can be produced upon request.

### **Request No. 5**

You have also requested, from January 1, 2015 to the present:

*All communications (emails, letters, text messages, faxes, and other documents) from January 1, 2015 to the present to or from Lieutenant Governor Phil Scott referencing proposals to bring Syrian refugees to Vermont.*

### **Response:**

Several records responsive to this request are enclosed. They include several email exchanges found using the search term: "Syrian". These emails have been divided into two groups: primary and secondary. Primary documents are all that relate to the use of the keyword in relation to Lt. Governor Phil Scott and Syrian refugees. Secondary documents are all which contain the search word but are not relevant to the inquiry.

### **Request No. 6**

You have also requested, from January 1, 2015 to the present:

*All communications (emails, letters, text messages, faxes, and other documents) from January 1, 2015 to the present to or from Rachel Feldman referencing proposals to bring Syrian refugees to Vermont.*

### **Response:**

Several records responsive to this request are enclosed. They include several email exchanges found using the search term: "Syrian". These emails have been divided into two groups: primary and secondary. Primary documents are all that relate to the use of the keyword in relation to Rachel Feldman and Syrian refugees. Secondary documents are all which contain the search word but are not relevant to the inquiry.

### **Request No. 7**

You have also requested, from January 1, 2015 to the present:

*All communications (emails, letters, text messages, faxes, and other documents) from January 1, 2015 to the present between Lieutenant Governor Phil Scott, Brittney Larrabee Wilson, Neale Lunderville, Jason Gibbs, Mike Smith, Brady Toensing, Hayden Dublois, David Sunderland, Jeffrey Bartley, or any other staff member or officer of the Vermont Republican Party.*

### **Response:**

Several records responsive to this request are enclosed. They include several email exchanges found using the search terms: "Wilson" and "Gibbs." To respond to this point, we searched for the aforementioned terms, in addition to the terms: "Lunderville," "Smith," "Toensing," "Dublois," "Sunderland" and "Bartley." These final six terms returned no results.

**Request No. 8** You have also requested, from January 1, 2015 to the present:

*All communications (emails, letters, text messages, faxes, and other documents) from January 1, 2015 to the present between Rachel Feldman, Brittney Larrabee Wilson, Neale Lunderville, Jason Gibbs, Mike Smith, Brady Toensing, Hayden Dublois, David Sunderland, Jeffrey Bartley, or any other staff member or officer of the Vermont Republican Party.*

### **Response:**

Several records responsive to this request are enclosed. They include several email exchanges and one document found using the search terms: "Wilson," "Gibbs," "Toensing," "Dublois" and "Bartley." One text message from a phone number, later determined to belong to Jeffrey "Bartley," is enclosed in this request. To respond to this point, we searched for the aforementioned terms, in addition to the terms: "Lunderville," "Smith" and "Sunderland." These final three terms returned no results.

- 1) We did not include emails sent to multiple departments from state employees not named in this request on which either the Lt. Governor or Rachel Feldman and any of the people named were CC'd, but did not contain correspondence between them directly nor content applicable to this request. (press releases, budget information, etc.)
- 2) We included all public releases, including public schedules, from our office which contained any of the search terms previously identified. However, we did not include the BCC line on these items, as that contains our full media list and we are not willing to provide their email addresses in this request.

~~Please be advised that complying fully with this request took (FILL IN FINAL NUMBER HERE...CURRENTLY AT 37 HOURS) hours, 29 hours and 10 minutes of which were split evenly between Rachel Feldman and Hayden Dublois, the office's sole paid staffer and the office's unpaid intern respectively. Hayden Dublois has since completed his internship. The remaining hours were worked by Rachel Feldman alone, mostly after hours and on weekends so as not to compromise the office's responsiveness during regular business hours.~~

It is clear that your request will cost more than \$100 to complete. Assuming three to five minutes per message, it will take 6,000 to 10,000 minutes to appropriately review and examine the voluminous number of separate and distinct messages (and attachments) covered by your request. The estimated cost to do so will be between \$3,420 and \$5,700 for senior-level staff (57¢ per minute). ~~\$ \_\_\_\_\_ for other staff time (45¢ per minute)~~. Please note this estimate does not include time which will be incurred beyond the review of responsive documents, and the final cost will likely include more time with counsel and on formatting responsive documents for delivery.

Per your instructions, we will not move forward on this request until you accept and pay such costs. Please remit a check made payable to the State of Vermont \_\_\_\_\_ in the amount of \$3,420 to cover these costs. If it appears this amount will be insufficient, as we process the request, we will provide you with the new balance.

As an alternative, you may also narrow the scope of your request. For example, you could narrow the time period. If you narrow the request, we will provide you with a revised cost estimate.

~~Due to being part of the executive branch but not the Administration, and in a legislative building but not part of the Legislature, all documents were produced using only the Lt. Governor's office materials, staff and time. We are appreciative to the Attorney General's office for their assistance with drafting our responses to and helping define our search terms for this request, as the Lt. Governor's office does not have legal counsel on staff, unlike the Administration and Legislature.~~

Sincerely,

Rachel Feldman  
Chief of Staff, Office of Lt. Governor Phil Scott