

PETER SHUMLIN  
Governor



State of Vermont  
OFFICE OF THE GOVERNOR

July 5, 2011

Darcie Johnston  
Vermonters for Health Care Freedom  
97 State Street  
Montpelier, VT 05602

Dear Ms. Johnston:

I have enclosed a response to your June 23 public records requests to the Agency of Administration and the Governor's Office. Per our email back-and forth (enclosed), I have copied the items you designated from the list I sent you. (A couple of other documents turned up in this office, which I have included.) Anya Wallack's records were not included on that list. The exercise of compiling the list turned out to be exceptionally time-consuming, so I have just enclosed the responsive documents from her without going through the list-making step.

Here is a list of records we have declined to provide pursuant to the executive privilege:

1. Email from Anya Wallack to Robin Lunge, Steve Kimbell, Jeb Spaulding, cc: Susan Besio dated May 5, 2011, forwarded with a brief note by Jeb Spaulding to Michael Clasan and Harriet Johnson on May 4, and a separate email from Anya Rader Wallack to Michael Clasen cc: Jeb Spaulding and Robin Lunge regarding draft implementation teams and process. Not disclosed pursuant to 1 VSA 317(c)(4) (executive privilege).
2. Memorandum to Secretary Jeb Spaulding from Commissioner Kate Duffy dated 5/12/11 regarding weekly report. Not disclosed pursuant to 1 VSA 317(c)(4) (executive privilege).
3. Memorandum to Secretary Jeb Spaulding from Commissioner Kate Duffy dated 5/5/11 entitled "Legislative Highlights" with attached cover letter. Not disclosed pursuant to 1 VSA 317(c)(4) (executive privilege).
4. Email from Anya Wallack to Jeb Spaulding and Mary Peterson, cc: Robin Lunge dated 5/26/11 entitled "Very draft work plan for financing team". Not disclosed pursuant to 1 VSA 317(c)(4) (executive privilege).
5. Email dated 5/9 from Anya Wallack to Jeb Spaulding, Mary Peterson, Michael Clasen and Harriet Johnson regarding summary description of financing plan requirements under H.202. Not disclosed pursuant to 1 VSA 317(c)(4) (executive privilege).

6. Work Plan – Core Implementation Team – Team 4: Financing Plans. Document disclosed, but Commissioner’s handwritten notes redacted pursuant to 1 VSA 317(c)(4) (executive privilege).
7. Email dated 5/26/11 from Anya Wallack to Jeb Spaulding, Mary Peterson and Robin Lunge regarding “very draft work plan for financing team.” Not disclosed pursuant to 1 VSA 317(c)(4) (executive privilege). (Actual work plan that was distributed to wider audience is disclosed.)
8. Email exchange between Mary Peterson and Jeb Spaulding (Mary Peterson to Jeb Spaulding back to Mary Peterson back to Jeb Spaulding back to Mary Peterson) dated 5/11/11 regarding materials for health care meeting. Not disclosed pursuant to 1 VSA 317(c)(4) (executive privilege).
9. Work Plan Draft June 14, 2011 – Core Implementation Team – Team 4 – Financing Plans. Document produced, but commissioner’s handwritten notes redacted pursuant to 1 VSA 317(c)(4) (executive privilege).
10. Health Reform Implementation Core Implementation Teams Draft 5/9/11. Commissioner’s handwritten notes redacted pursuant to 1 VSA 317(c)(4) (executive privilege).
11. Health Reform Implementation Core Implementation Teams Financing Plans. Commissioner’s handwritten notes redacted pursuant to 1 VSA 317(c)(4) (executive privilege).
12. Briefing from Anya Wallack to Governor for meetings at Dartmouth-Hitchcock, 4/15/11. Not disclosed pursuant to 1 VSA 317(c)(4) (executive privilege).
13. Anya Wallack internal draft letter regarding May 11 meetings. Not disclosed pursuant to 1 VSA 317(c)(4) (executive privilege).
14. Anya Wallack briefing to Governor regarding May 11 meeting. Not disclosed pursuant to 1 VSA 317(c)(4) (executive privilege).
15. Email to Anya Wallack and Jeb Spaulding from Robin Lunge regarding legislative reports and leads. Not disclosed pursuant to 1 VSA 317(c)(4) (executive privilege and attorney-client privilege).
16. Health Reform Implementation Core Implementation Teams- Anya Wallack internal draft dated 5/9/11. Not disclosed pursuant to 1 VSA 317(c)(4) (executive privilege).

Pursuant to 1 V.S.A. § 316(c), and the fee schedule established by the Secretary of State (<http://vermont-archives.org/research/fees/fees.htm>), the staff time charges for complying with your request include \$.57/minute for senior staff time and \$.45/minute for others.

Here's a summary of the time associated with responding to your records request (not including the time and expense of copies):

Agency of Administration:

|              |              |              |
|--------------|--------------|--------------|
| AOA          | 1            | Hour         |
| BGS          | 0.45         | Hours        |
| LIB          | 0            |              |
| FINMAN       | 0.3          | Hours        |
| DHR          | 9.4          | Hours        |
| TAX          | 1.15         | Hours        |
| DII          | 0            |              |
| BGS          | 0.45         | Hours        |
| <b>TOTAL</b> | <b>12.75</b> | <b>Hours</b> |

Because this time isn't allocated between senior level staff and other staff, I am calculating charges based on the regular staff level of \$.45/minute. 12.75 hours = 765 minutes x \$.45/minute = \$344.25 for the Agency of Administration request. (This does not include the cost of copies.)

*Governor's Office:*

Anya Wallack: 4 hours

\*Beth Robinson: 4 hours

Total Senior Staff: 8 hours 8 hours = 480 minutes x \$.57/minute = \$273.60

\*I spent well over a day in connection with this request. I have not included legal research time, and have substantially trimmed the time spent compiling a list per your request, as that turned out to be a time-waster rather than a time-saver.

Zach Sherman: 6 hours = 360 minutes x \$.45/minute = \$162.

The total charge for complying with this request, not including the costs for copying, is \$779.85. Because I am away the week of July 4, I've asked staff to copy the records and get them sent to you. **We'll send a supplemental bill for the actual copies and copying time (at \$.33/minute).**

Finally, with respect to the new request you made yesterday for emails from Steve Trombley, so far nobody has any. (In writing you asked for emails from Steve or Shana Trombley, but once I explained to you that Shana is the Governor's scheduler, you agreed to narrow your request to emails from Steve Trombley.) (Steve Trombley's wife, Shana, has two personal emails he has sent her, but I do not believe those to be subject to public records law disclosure.) I will finish surveying the field upon my return from vacation, as many folks are out of the office today, but based on my initial investigation, I am 95% confident that there will not be any records responsive to this request.

Thanks for your patience and cooperation in connection with this request.

Thanks much,

A handwritten signature in black ink, appearing to read 'Beth', with a long, sweeping horizontal line extending to the right.

Beth Robinson  
Counsel to the Governor