

SEVEN DAYS

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June 19, 2014
Sarah London
109 State Street, Pavilion
Montpelier, VT 05609

Dear Ms. London,

Pursuant to Vermont's Access to Public Records Act, 1 V.S.A. §§ 315-320, I hereby request any and all documents in the possession of the Vermont executive office of the governor, from January 1, 2014 to present, regarding:

- Any communications sent or received by employees of the executive office of the governor pertaining to International Business Machines Corporation (IBM), its subsidiaries, facilities or workforce; and
- Any communications sent or received by employees of the executive office of the governor pertaining to GlobalFoundries, its subsidiaries, facilities or workforce; and
- Any communications between employees of the executive office of the governor and employees or agents of International Business Machines; and
- Any communications between employees of the executive office of the governor and employees or agents of GlobalFoundries.

These requests include, but are not limited to, communications received or sent on a private email account, private phone account or private text messaging account. If no responsive records exist, then state this fact in your response. If any part of these requests is denied, please list the specific criteria you are relying on for the denial, as well as the name and title of the person responsible for the denial.

The Vermont Public Records Act is to be “liberally construed ... and the burden of proof” is on the agency to justify any refusal to produce records. 1 V.S.A. § 315. Absent a valid legal exemption, this law compels the production of documents and correspondence relating to official state business. If such records exist and you do not intend to comply with this request, please inform me immediately so that I may pursue an appropriate legal remedy. Meantime, you should ensure these public records are preserved. 1 V.S.A. § 320 (Destruction of public records is prohibited by law).

Pursuant to the Public Records Act, please also do the following:

- Produce these documents promptly or certify within two business days why you are denying me access to them or any particular documents (this time limit may be extended only under certain conditions as outlined in 1 V.S.A. § 318);
- If you believe an otherwise public record is exempt from disclosure, produce a log with the page numbers of the documents, the date of the document, the people or entities who received copies, the authors of the document and a specific explanation (citing to the applicable exemption) for why a document has not been produced;
- If an otherwise public record has a portion that is exempt from disclosure, redact any exempt portion and release the redacted document together with a log (as described in the previous bullet);
- Inform me of the appeal procedures available to me if you withhold any documents;
- If you are unable to copy any material, identify the material and notify me when it will be available for my inspection; and
- Provide a written reply to this request.

If you refuse to produce any responsive records to me, it would be helpful to Bates Number any such documents for easy reference and to avoid confusion in future proceedings regarding the failure to produce records.

Please provide the responsive records in electronic form, either by email attachment or CD-ROM.

I am addressing this request to you in the belief that you are the custodian of these records. If not, please forward this request to the proper custodian of such data or documents and inform me of who the proper custodian is. I am willing to pay reasonable production fees, provided that the total does not exceed \$100, but please call or email me first with an estimate as to the costs to produce these documents.

Thank you for your assistance with this matter. I look forward to your response. If I can do anything to help or expedite this request, or if you have any questions, please do not hesitate to contact me at (802) 598-8946 or paul@sevendaysvt.com.

Sincerely,

Paul Heintz
Seven Days