

From: Terri Hallenbeck <terri@sevendaysvt.com>
Date: August 17, 2015 at 10:04:01 AM EDT
To: "Johnson, Justin" <justin.johnson@state.vt.us>
Subject: public records request

Justin Johnson

Secretary of Administration

109 State Street
Montpelier, VT 05609

August 17, 2015

Secretary Johnson:

Pursuant to Vermont's Access to Public Records Act, 1 V.S.A. §§ 315-320, for the time period August 1, 2015, to August 14, 2015, I hereby request the following:

All emails, text messages, notes, memoranda, or documents of any kind reflecting communications between the governor's executive staff and the Agency of Natural Resources regarding the August 2015 draft Total Maximum Daily Load Phase 1 implementation plan.

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, regardless of what email or text messaging system is used. 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.

I am willing to pay reasonable production fees, if necessary, 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 you have any questions, I can be reached at [\(802\) 999-9994](tel:8029999994) or terri@sevendaysvt.com.

Sincerely,

Terri

Terri Hallenbeck

Staff Writer
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