

## Bachman, Molly

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**From:** Cutler, Judy  
**Sent:** Monday, December 19, 2016 2:34 PM  
**To:** Brady Toensing  
**Subject:** RE: November 30, 2016 Vermont Public Records Act Request to VT Agency of Education  
-- Attention Timely Response Required by Law

Good afternoon Mr. Toensing,

This responds to your 12/5/2016 request for certain records belonging to Burlington College that are in the temporary custody of The Agency of Education. The Agency is in the process of returning the records to the College. Because these are not the Agency's records, but rather are the records of a private corporate entity, the public records law does not authorize the Agency to provide them in response to a request under 1 V.S.A. §315 et seq.

Should you consider this response to be a denial of access to records, you are hereby advised, pursuant to 1 V.S.A. § 318(a)(2), that you have a right to appeal to the head of the Agency, Secretary Rebecca Holcombe.

Thank you,  
Judy

Judith Cutler  
Investigator / Public Records Officer  
Vermont Agency of Education  
219 North Main Street, Suite 402  
Barre, VT 05641  
Desk: (802) 479-1760  
Email: [Judy.Cutler@vermont.gov](mailto:Judy.Cutler@vermont.gov)

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**From:** Cutler, Judy  
**Sent:** Wednesday, December 07, 2016 3:52 PM  
**To:** 'Brady Toensing' <[toensing@gmail.com](mailto:toensing@gmail.com)>  
**Subject:** RE: November 30, 2016 Vermont Public Records Act Request to VT Agency of Education -- Attention Timely Response Required by Law

Good afternoon Mr. Toensing,

I am writing to confirm our Agency's receipt of your Public Records Request below, dated 12/2/2016 and received on 12/5/2016. Due to the nature of the records you are seeking, your request gives rise to the need for our Agency to consult with the Attorney General's Office. This constitutes "unusual circumstances" as defined in 1 V.S.A. § 318(a)(5) and, accordingly, this Agency will respond to your request within 10 business days from the date we received it. We appreciate your patience.

Thank you,  
Judy

Judith Cutler  
Investigator / Public Records Officer  
Vermont Agency of Education  
219 North Main Street, Suite 402  
Barre, VT 05641

Desk: (802) 479-1760  
Email: [Judy.Cutler@vermont.gov](mailto:Judy.Cutler@vermont.gov)

**From:** Brady Toensing [<mailto:toensing@gmail.com>]  
**Sent:** Friday, December 02, 2016 4:54 PM  
**To:** Cutler, Judy <[Judy.Cutler@vermont.gov](mailto:Judy.Cutler@vermont.gov)>  
**Subject:** Re: November 30, 2016 Vermont Public Records Act Request to VT Agency of Education -- Attention Timely Response Required by Law

Dear Ms. Cutler:

Thank you for the index of records in response to my November 30, 2016 public records request. This email requests records from that index as follows:

- ACCRED-1 NEASC 2002 & 2003
- ACCRED-2 NEASC 2003-2008
- ACCRED-3 NEASC 2010 -> + Trustee Committee Meetings
- BD-1 Board Materials
- BD-2 Board Materials
- FIN-3 Loans & Grants Info
- FIN-5 Financial Committee Minutes
- MIN-1 Board meeting minutes 2000-2005
- MIN-2 Board meeting minutes 1998-2005 + Exec. Committee Min 2004-2010
- MIN-3 Trustee minutes, faculty council meeting, VT Woodworking School
- MIN-4 Board meeting minutes 2005-2012

I am willing to pay for the costs associated with reproducing these records. Please let me know if you need me to pay in advance or if I can pay when the records are ready. Sincerely, Brady

\*\*\*\*\*

Brady Toensing  
(m) 202.297.4245

On Fri, Dec 2, 2016 at 9:57 AM, Cutler, Judy <[Judy.Cutler@vermont.gov](mailto:Judy.Cutler@vermont.gov)> wrote:

Good morning Mr. Toensing,

I write in response to your public records request below, dated 11/20/2016, for any indexes or logs prepared with respect to the Burlington College records housed by the Agency. Please find all responsive records attached. Please note that the Agency is also housing student academic records; however, these records have not been indexed.

Thank you for your inquiry and please feel free to contact me with any questions you have regarding this response.

Sincerely,

Judy Cutler

Judith Cutler

Investigator / Public Records Officer

Vermont Agency of Education

219 North Main Street, Suite 402

Barre, VT 05641

Desk: [\(802\) 479-1760](tel:8024791760)

Email: [Judy.Cutler@vermont.gov](mailto:Judy.Cutler@vermont.gov)

**From:** [toensing@gmail.com](mailto:toensing@gmail.com) [<mailto:toensing@gmail.com>] **On Behalf Of** Brady Toensing

**Sent:** Wednesday, November 30, 2016 7:07 PM

**To:** Talbott, Bill <[Bill.Talbott@vermont.gov](mailto:Bill.Talbott@vermont.gov)>

**Subject:** November 30, 2016 Vermont Public Records Act Request to VT Agency of Education -- Attention Timely Response Required by Law

Dear Deputy Secretary Talbott:

Pursuant to Vermont's Access to Public Records Act, 1 V.S.A. §§ 315-320, for the time period July 1, 2016 to present, I request any indexes or logs indicating the types of Burlington College records housed by the Vermont Agency of Education or the State of Vermont. This is not a request for any individual student records or lists of students.

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, including private email and text messaging accounts.

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 and I look forward to your response. If you have any questions, I can be reached at [\(202\) 297-4245](tel:202-297-4245).

Sincerely,

Brady C. Toensing

\*\*\*\*\*

**Brady C. Toensing**

**diGenova & Toensing**

**1776 K Street NW**

**Washington DC 20006**

**(o) 202.289.7701**

**(m) 202.297.4245**

## Bachman, Molly

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**From:** Bachman, Molly  
**Sent:** Tuesday, January 03, 2017 8:13 AM  
**To:** 'Bob Roesler'  
**Subject:** RE: Burlington College Non-Academic Records

Bob,  
Paul will have someone here within the month to review the records. I'll keep you posted on what he takes. The rest will be shred.  
Happy New Year to you too.  
Molly

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**From:** Bob Roesler [mailto:[broesler@waterburystowelaw.com](mailto:broesler@waterburystowelaw.com)]  
**Sent:** Saturday, December 31, 2016 3:38 PM  
**To:** Bachman, Molly  
**Cc:** Yves Bradley  
**Subject:** RE: Burlington College Non-Academic Records

Molly:

I apologize for the lengthy response and its brevity; I was traveling and unable to properly access my computer. I realize that by now you have both resolutions that you need. Please let me know if you need anything further and keep me and Yves advised as to the status of the retention/destruction of the records.

Happy New Year!  
Bob

---

Robert C. Roesler, Esq.  
Darby Kolter & Nordle, LLP  
C.C. Warren House  
89 South Main Street  
Waterbury, Vermont 05676  
Phone 802-244-7352  
Fax: 802-244-5954

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**From:** Bachman, Molly [mailto:[Molly.Bachman@vermont.gov](mailto:Molly.Bachman@vermont.gov)]  
**Sent:** Tuesday, December 27, 2016 1:28 PM  
**To:** Bob Roesler  
**Subject:** FW: Burlington College Non-Academic Records

Hi Bob,

I spoke to Paul. He would like to look at the boxes to see if there is anything his office might need that it does not already have. This is likely going to happen in the next couple of weeks. I am going to try to extend our lease and US Attorney will reimburse. What I need is a second Authorization from the Chair allowing DOE to permit review of records and allowing AOE to turn records over to US Attorney's Office. Whatever that office does not want will be destroyed per the first Resolution.

I will draft something and send it to you for review.

Molly Bachman  
General Counsel  
Agency of Education  
802-479-1756  
[molly.bachman@vermont.gov](mailto:molly.bachman@vermont.gov)  
219 North Main Street, Suite 402  
Barre, Vermont 05641

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**From:** Bachman, Molly  
**Sent:** Tuesday, December 27, 2016 11:04 AM  
**To:** 'Bob Roesler'  
**Subject:** RE: Burlington College Non-Academic Records

Hi Bob,

I have a call in to Paul Van de Graff. However, I would like authorization from the college to hand over any records he may decide he needs.

As discussed, the Agency will arrange for either transport or destruction of any records not taken into possession by the US Attorney's office. I will need the Resolution I drafted signed by the Chair. I would be grateful if you can arrange to have it signed and returned to me by this Friday. I have attached another copy.

Thank you.

Molly Bachman  
General Counsel  
Agency of Education  
802-479-1756  
[molly.bachman@vermont.gov](mailto:molly.bachman@vermont.gov)  
219 North Main Street, Suite 402  
Barre, Vermont 05641

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**From:** Bob Roesler [<mailto:broesler@waterburystowelaw.com>]  
**Sent:** Wednesday, December 21, 2016 2:25 PM  
**To:** Bachman, Molly  
**Cc:** Yves Bradley; Torti, Tom; Jane Knodell  
**Subject:** RE: Burlington College Non-Academic Records

Molly:

I just copied you on an email to Eric Miller, the US Attorney. You are aware that there is an investigation being conducted by DOJ into some aspects of the College's activities.

As I stated in that email, the BC Board has decided that it neither has a place to store the records that the State does not want nor do any members wish to assume the liability for taking possession of that material. If Paul Van de Graaf will not take possession, I assume the State will shred those records. Please let me know what happens to the records, for my file.

Thank you.

Merry Christmas.

Bob

Robert C. Roesler, Esq.  
Darby Kolter & Nordle, LLP  
C.C. Warren House  
89 South Main Street  
Waterbury, Vermont 05676  
Phone 802-244-7352  
Fax: 802-244-5954

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**From:** Bachman, Molly [mailto:[Molly.Bachman@vermont.gov](mailto:Molly.Bachman@vermont.gov)]  
**Sent:** Tuesday, December 20, 2016 2:03 PM  
**To:** Bob Roesler  
**Subject:** RE: Burlington College Non-Academic Records

Bob,  
Yes, Agency will transport to Burlington. I will be here for the rest of the afternoon. Tomorrow you can reach me at 223-3984 and I can arrange it. Thank you.  
Molly

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**From:** Bob Roesler [mailto:[broesler@waterburystowelaw.com](mailto:broesler@waterburystowelaw.com)]  
**Sent:** Tuesday, December 20, 2016 1:57 PM  
**To:** Bachman, Molly  
**Cc:** Yves Bradley  
**Subject:** RE: Burlington College Non-Academic Records

Molly:

I was about to call you back when I received your email. Yves Bradley is working on finding a spot to store the boxes. Will the State transport the boxes back to Burlington? One of the potential storage spots is Yves' barn which is right across the street from the College.

Hope to have an answer for you later today or tomorrow.

Bob

Robert C. Roesler, Esq.  
Darby Kolter & Nordle, LLP  
C.C. Warren House  
89 South Main Street  
Waterbury, Vermont 05676  
Phone 802-244-7352  
Fax: 802-244-5954

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**From:** Bachman, Molly [mailto:[Molly.Bachman@vermont.gov](mailto:Molly.Bachman@vermont.gov)]  
**Sent:** Tuesday, December 20, 2016 1:46 PM  
**To:** Bob Roesler  
**Subject:** RE: Burlington College Non-Academic Records

Hi Bob, Any progress on a storage location? I left you a voicemail too. Thanks.  
Molly

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**From:** Bob Roesler [mailto:[broesler@waterburystowelaw.com](mailto:broesler@waterburystowelaw.com)]  
**Sent:** Friday, December 16, 2016 10:36 AM



**From:** Bob Roesler [<mailto:broesler@waterburystowelaw.com>]  
**Sent:** Friday, December 16, 2016 9:44 AM  
**To:** Bachman, Molly; Yves Bradley  
**Cc:** Griffin, Bill; Torti, Tom; Jane Knodell  
**Subject:** RE: Burlington College Non-Academic Records

Molly:

150 boxes? That is a very large amount; how much actual space do those boxes occupy?

Bob

Robert C. Roesler, Esq.  
Darby Kolter & Nordle, LLP  
C.C. Warren House  
89 South Main Street  
Waterbury, Vermont 05676  
Phone 802-244-7352  
Fax: 802-244-5954

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**From:** Bachman, Molly [<mailto:Molly.Bachman@vermont.gov>]  
**Sent:** Friday, December 16, 2016 9:42 AM  
**To:** Bob Roesler; Yves Bradley  
**Cc:** Griffin, Bill; Torti, Tom; Jane Knodell  
**Subject:** RE: Burlington College Non-Academic Records

Bob,

Thanks for getting back to me so quickly. If you or any board member(s) want to take a look at the records, let me know and I can arrange it quickly – hopefully before the 31st when AOE loses the storage space.

I counted about 150 boxes – banker box size. Some of the records are pretty disorganized but some boxes appear to be accurately labeled.

Molly Bachman  
General Counsel  
Agency of Education  
802-479-1756  
[molly.bachman@vermont.gov](mailto:molly.bachman@vermont.gov)  
219 North Main Street, Suite 402  
Barre, Vermont 05641

---

**From:** Bob Roesler [<mailto:broesler@waterburystowelaw.com>]  
**Sent:** Friday, December 16, 2016 9:33 AM  
**To:** Bachman, Molly; Yves Bradley  
**Cc:** Griffin, Bill; Torti, Tom; Jane Knodell  
**Subject:** RE: Burlington College Non-Academic Records

Molly:

Thank you for the follow up. I have returned Bill's call and have left a message for Yves Bradley, the chair of the Board. I will forward your message and draft resolution to the executive committee and get back to you asap. My initial belief is that some of those records need to be retained, but perhaps not all.

How many boxes and of what size box are we talking about? If we can find a place to store them, we probably will take the financial records, at least.

Bob

Robert C. Roesler, Esq.  
Darby Kolter & Nordle, LLP  
C.C. Warren House  
89 South Main Street  
Waterbury, Vermont 05676  
Phone 802-244-7352  
Fax: 802-244-5954

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**From:** Bachman, Molly [mailto:[Molly.Bachman@vermont.gov](mailto:Molly.Bachman@vermont.gov)]  
**Sent:** Thursday, December 15, 2016 5:43 PM  
**To:** [broesler@waterburystowelaw.com](mailto:broesler@waterburystowelaw.com)  
**Cc:** Griffin, Bill  
**Subject:** Burlington College Non-Academic Records

Hi Bob,

I am following up on the voicemail Bill Griffin left you this afternoon concerning Burlington College.

As you know the Agency of Education is in temporary possession of records of Burlington College. The State Board of Education authorized the Agency to take possession of the records in order to secure student academic records. The Agency has been processing requests from students for transcripts since last summer. In the course of sorting and organizing the student records it became apparent that AOE is in possession of a large quantity of non-academic records. These appear to include general business records, NEASC records, Board material including minutes, financial aid records and various other nonacademic material. AOE has no public purpose to retain these private college materials. Further, the lease on the space in which AOE has stored the records expires at the end of this month.

Therefore, the Agency is asking that Burlington College Board authorize it to destroy these nonacademic records prior to the end of the year. I have enclosed a draft resolution for your review.

If, instead, the Board wish the records to be returned, the Agency will arrange for that. I'd ask that you provide an address for delivery of the materials. If I should be contacting the Board members directly please so advise me.

Thank you for your attention to this.

Molly Bachman  
General Counsel  
Agency of Education  
802-479-1756  
[molly.bachman@vermont.gov](mailto:molly.bachman@vermont.gov)  
219 North Main Street, Suite 402  
Barre, Vermont 05641

## Bachman, Molly

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**From:** Bachman, Molly  
**Sent:** Wednesday, December 28, 2016 1:49 PM  
**To:** 'Yves Bradley'  
**Subject:** RE: Burlington College, US Attorney Resolution

Thank you, Yves.

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**From:** Yves Bradley [mailto:YBradley@vermontrealestate.com]  
**Sent:** Wednesday, December 28, 2016 12:59 PM  
**To:** Bachman, Molly  
**Cc:** Bob Roesler; Jane.Knodell@uvm.edu; Torti, Tom; Paul.Van.De.Graaf@usdoj.gov  
**Subject:** RE: Burlington College, US Attorney Resolution

Absolutely, Molly-

Please see the attached.

Thanks again, and please let me know what else you may need.

My best,

Yves

Yves Bradley  
Pomerleau Real Estate  
Office Line: (802) 863-8210  
Direct Line: (802) 863-8217, ext. 14  
Cellular: (802) 363-5696  
Fax: (802) 863-8219  
E-Mail: [ybradley@vermontrealestate.com](mailto:ybradley@vermontrealestate.com)  
Web: [www.vermontrealestate.com](http://www.vermontrealestate.com)  
[Vermont Mandatory Disclosure](#)

DISCLOSURE CONCERNING REPRESENTATION: Real estate professionals in Vermont are required to disclose their agency status to persons with whom they communicate. Please be advised that your communications with a real estate agent may be treated as confidential ONLY when you have hired such agent's brokerage firm to represent you in writing. Our firm represents both sellers and buyers.. If you would like to enter into an exclusive agreement with us, please contact our office.

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**From:** Bachman, Molly [<mailto:Molly.Bachman@vermont.gov>]  
**Sent:** Wednesday, December 28, 2016 12:27 PM  
**To:** Yves Bradley <[YBradley@vermontrealestate.com](mailto:YBradley@vermontrealestate.com)>  
**Cc:** Bob Roesler <[broesler@waterburystowelaw.com](mailto:broesler@waterburystowelaw.com)>; Jane.Knodell@uvm.edu; Torti, Tom <[Tom@vermont.org](mailto:Tom@vermont.org)>; [Paul.Van.De.Graaf@usdoj.gov](mailto:Paul.Van.De.Graaf@usdoj.gov)  
**Subject:** RE: Burlington College, US Attorney Resolution

Thanks very much, Yves. Can I ask you to sign the other resolution as well- to allow AOE to destroy the records that the US Attorney does not take? I have it attached it.

---

**From:** Yves Bradley [<mailto:YBradley@vermontrealestate.com>]  
**Sent:** Wednesday, December 28, 2016 11:17 AM

Bob Roesler; [Jane.Knodell@uvm.edu](mailto:Jane.Knodell@uvm.edu); Torti, Tom; Bachman, Molly; [Paul.Van.De.Graaf@usdoj.gov](mailto:Paul.Van.De.Graaf@usdoj.gov)  
**Subject:** RE: Burlington College, US Attorney Resolution

Good morning, everyone-

Attached, please find executed copy of Board Resolution.

Many thanks for your assistance on this.

Yves

Yves Bradley  
Pomerleau Real Estate  
Office Line: (802) 863-8210  
Direct Line: (802) 863-8217, ext. 14  
Cellular: (802) 363-5696  
Fax: (802) 863-8219  
E-Mail: [ybradley@vermontrealestate.com](mailto:ybradley@vermontrealestate.com)  
Web: [www.vermontrealestate.com](http://www.vermontrealestate.com)  
[Vermont Mandatory Disclosure](#)

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**From:** Bob Roesler [<mailto:broesler@waterburystowelaw.com>]  
**Sent:** Tuesday, December 27, 2016 8:01 PM  
**To:** Yves Bradley <[YBradley@vermontrealestate.com](mailto:YBradley@vermontrealestate.com)>; [Jane.Knodell@uvm.edu](mailto:Jane.Knodell@uvm.edu); Tom Torti <[Tom@vermont.org](mailto:Tom@vermont.org)>; [Molly.Bachman@vermont.gov](mailto:Molly.Bachman@vermont.gov); [Paul.Van.De.Graaf@usdoj.gov](mailto:Paul.Van.De.Graaf@usdoj.gov)  
**Subject:** Fwd: Burlington College, US Attorney Resolution

Yves, Jane and Tom:  
I think this resolution is fine and should be approved. Yves, please have Claire forward the first resolution to Molly as well.  
I am traveling so call me with any questions; 802-578-3328. Bob

Sent from my iPhone

Begin forwarded message:

**From:** "Bachman, Molly" <[Molly.Bachman@vermont.gov](mailto:Molly.Bachman@vermont.gov)>  
**Date:** December 27, 2016 at 1:47:05 PM EST  
**To:** Bob Roesler <[broesler@waterburystowelaw.com](mailto:broesler@waterburystowelaw.com)>  
**Cc:** "Van de Graaf, Paul (USAVT)" <[Paul.Van.De.Graaf@usdoj.gov](mailto:Paul.Van.De.Graaf@usdoj.gov)>  
**Subject:** **Burlington College, US Attorney Resolution**

Bob,

Please review and make any changes to the attached resolution.

If we can get this and the first resolution (to destroy records) in place, we can accommodate the US Attorney's schedule.

Thank you.

Molly Bachman  
General Counsel  
Agency of Education  
802-479-1756  
[molly.bachman@vermont.gov](mailto:molly.bachman@vermont.gov)  
219 North Main Street, Suite 402  
Barre, Vermont 05641

## RESOLUTION

**WHEREAS**, the United States Attorney's Office is conducting an investigation into certain aspects of the closing of Burlington College; and

**WHEREAS**, the Board of Directors of Burlington College wishes to cooperate in such investigation; and

**WHEREAS**, the Vermont Agency of Education is in temporary possession of certain records belonging to Burlington College that it is authorized to destroy; it is hereby

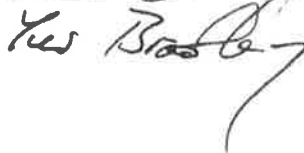
**RESOLVED** that the Board of Trustees of Burlington College authorizes and requests that the Vermont Agency of Education, prior to destruction of such records, allow representatives of the United States Attorney's Office access to review such records and to take any or all of such records into their possession.

Dated this 28<sup>th</sup> day of December 201.

Board of Trustees, Burlington College

By: 

Its Chairman



## RESOLUTION

**WHEREAS**, the Agency of Education has temporary possession of certain nonacademic records of Burlington College pursuant to resolution of this Board and the State Board of Education; and

**WHEREAS**, the Agency of Education now wishes to return such nonacademic records to Burlington College or, if duly authorized by Burlington College, to destroy such nonacademic records; and

**WHEREAS**, Burlington College has ceased to operate; it is hereby

**RESOLVED** that the Board of Trustees of Burlington College authorizes and requests the Agency of Education to cause the Burlington College nonacademic records in its possession to be destroyed in a secure manner.

Dated this 28<sup>th</sup> day of December, 2016.

Board of Trustees, Burlington College

By: 

Its Chairman

Ken Bradley

## Bachman, Molly

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**From:** Bachman, Molly  
**Sent:** Wednesday, December 28, 2016 8:49 AM  
**To:** 'Yves Bradley'  
**Cc:** Torti, Tom; Bob Roesler; Jane Knodell  
**Subject:** RE: Burlington College, US Attorney Resolution

That's great. Can you sign the resolution and scan them back to me? Thank you.

---

**From:** Yves Bradley [mailto:YBradley@vermontrealestate.com]  
**Sent:** Wednesday, December 28, 2016 8:42 AM  
**To:** Jane Knodell  
**Cc:** Torti, Tom; Bob Roesler; Bachman, Molly  
**Subject:** Re: Burlington College, US Attorney Resolution

Approved

Sent from my iPhone

On Dec 28, 2016, at 7:48 AM, Jane Knodell <[Jane.Knodell@uvm.edu](mailto:Jane.Knodell@uvm.edu)> wrote:

Also approved here.  
Jane

Sent from my iPhone

On Dec 27, 2016, at 9:49 PM, Tom Torti <[tom@vermont.org](mailto:tom@vermont.org)> wrote:

Please register my approval as drafted

On Dec 27, 2016, at 8:01 PM, Bob Roesler <[broesler@waterburystowelaw.com](mailto:broesler@waterburystowelaw.com)> wrote:

Yves, Jane and Tom:  
I think this resolution is fine and should be approved. Yves, please have Claire forward the first resolution to Molly as well.  
I am traveling so call me with any questions; 802-578-3328. Bob

Sent from my iPhone

Begin forwarded message:

**From:** "Bachman, Molly"  
<[Molly.Bachman@vermont.gov](mailto:Molly.Bachman@vermont.gov)>  
**Date:** December 27, 2016 at 1:47:05 PM EST  
**To:** Bob Roesler <[broesler@waterburystowelaw.com](mailto:broesler@waterburystowelaw.com)>  
**Cc:** "Van de Graaf, Paul (USAVT)"  
<[Paul.Van.De.Graaf@usdoj.gov](mailto:Paul.Van.De.Graaf@usdoj.gov)>  
**Subject:** Burlington College, US Attorney Resolution

Bob,



Please review and make any changes to the attached resolution.

If we can get this and the first resolution (to destroy records) in place, we can accommodate the US Attorney's schedule.

Thank you.

Molly Bachman  
General Counsel  
Agency of Education  
802-479-1756  
[molly.bachman@vermont.gov](mailto:molly.bachman@vermont.gov)  
219 North Main Street, Suite 402  
Barre, Vermont 05641

<Burlington College, US Attorney Resolution.docx>

## Bachman, Molly

---

**From:** Bachman, Molly  
**Sent:** Tuesday, December 27, 2016 4:20 PM  
**To:** Talbott, Bill  
**Cc:** Ryan, Cassandra  
**Subject:** Burlington College update

I heard from Bob Roesler who said that the BC Board has decided that it neither has a place to store the records that the State does not want nor do any members wish to assume the liability for taking possession of that material. However, he emailed Eric Miller, the US Attorney since there is an investigation being conducted by DOJ into some aspects of the College's activities. I spoke to Paul Van de Graaf at the US Attorney's Office and he wants to look at the records. He asked if we could extend our lease one month and his office would reimburse AOE for the cost.

I sent Roesler 2 resolutions for the board chair's signature – one authorizing AEO to destroy the records in its temporary possession, the other authorizing AOE to allow the US Attorney access to the records before destruction and possession of any or all of them. I've asked that they be signed and scanned back to AOE by Friday, but it looks like we are stuck with the records for a little longer.

Molly Bachman  
General Counsel  
Agency of Education  
802-479-1756  
[molly.bachman@vermont.gov](mailto:molly.bachman@vermont.gov)  
219 North Main Street, Suite 402  
Barre, Vermont 05641

## **Bachman, Molly**

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**From:** Bachman, Molly  
**Sent:** Tuesday, December 27, 2016 1:47 PM  
**To:** 'Bob Roesler'  
**Cc:** 'Van de Graaf, Paul (USAVT)'  
**Subject:** Burlington College, US Attorney Resolution  
**Attachments:** Burlington College, US Attorney Resolution.docx

Bob,

Please review and make any changes to the attached resolution.

If we can get this and the first resolution (to destroy records) in place, we can accommodate the US Attorney's schedule.

Thank you.

Molly Bachman  
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Barre, Vermont 05641

## Bachman, Molly

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**From:** Bachman, Molly  
**Sent:** Tuesday, December 27, 2016 1:22 PM  
**To:** 'Van de Graaf, Paul (USAVT)'  
**Subject:** RE: Burlington College

Paul,

I think it will work for us to keep the records here in Barre until the end of January. Our CFO is back later this week and I will verify. Let me know when it is convenient for your folks to review them; the sooner the better. Thank you.

Molly Bachman  
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**From:** Van de Graaf, Paul (USAVT) [mailto:Paul.Van.De.Graaf@usdoj.gov]  
**Sent:** Thursday, December 22, 2016 9:07 AM  
**To:** Bachman, Molly  
**Cc:** Weathers-Lowin, Ben (USAVT)  
**Subject:** Burlington College

Molly,  
Could you please contact me about the Burlington College records? I think we need to make sure that there is nothing significant to our federal investigation before they are destroyed. Thanks.

Paul J. Van de Graaf  
Criminal Chief, District of Vermont  
802-951-6725  
802-233-2765 (cell)

## **Bachman, Molly**

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**From:** Bachman, Molly  
**Sent:** Tuesday, January 03, 2017 3:04 PM  
**To:** Ryan, Cassandra; Talbott, Bill  
**Subject:** Burlington College records

Paul Van de Graff and another attorney from his office can come tomorrow at 2:30 to review the records. I expect they will not finish then.

Cassandra, could you email me the index you did and I'll send it on to them as a place to start. Is there a table in there that they can work at – I can't remember.

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## **Bachman, Molly**

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**From:** Bachman, Molly  
**Sent:** Wednesday, January 04, 2017 10:42 AM  
**To:** Paul.Van.De.Graaf@usdoj.gov  
**Subject:** FW: Burlington College records  
**Attachments:** Stored\_Box\_Index\_Burlington\_College.xlsx

Paul,

Here is the index that the agency prepared of the records. It is not comprehensive y any means, but it will give you an idea of what is here. See you later today.

Molly Bachman  
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<b>Box #</b>	<b>Contents</b>
504	504 Records
ADM/ATT-1	Admission/Attendance
BD-1	Board Materials
BD-2	Board Materials
FACIL-1	Facility / grounds info
FIN-1	Financial Aid Records
FIN-2	Financial Aid Records
FIN-3	Loans & Grants Info
FIN-4	Financial Aid Records
FIN-5	Financial Aid Records, Financial Committee Minutes
MIN-1	Board meeting minutes 2000-2005
MIN-2	Board meeting minutes 1998-2005 + Exec. Committee Min 2004-2010
MIN-3	Trustee minutes, faculty council meetins, VT Woodworking School
MIN-4	Board meeting minutes 2005-2012
PRE-1	Applied then withdrew A-Z
PRE-2	Applied then withdrew L-Z
PRE-3	Student Inquiries via online form - tracking sheet started - A-Z - for year 2014, 2015 & 2016
PRE-4	Transcripts, SAT Scores, Inquiries - no enrollment
PRE-5	Student Accounts - Paid in Full Tuitions Circa 80's
PRE-6	Bob Rice Student Advisee Records 2000-05
PRE-7	Applied then withdrew A-J
PRE-8	Applied then withdrew K-Z
PRE-9	Applied then withdrew A-K
PRE-10	Applied then withdrew L-R
PRE-9	Enrollment Inquiries
PRE-11	Applied
SAR-1	Academic Records/Registrar Instructions
DIR-1	Director of Student Life Records
ATT-1	Attendance and Enrollment Lists
BLA-1	Blank Forms
FAC-1	Faculty (Resumes, feedback forms, personnel and faculty handbooks, course outlines)
GRAD-1	Graduate Lists
HOUS-1	Housing Files, Parking Info., Health Files

## **Bachman, Molly**

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**From:** Bachman, Molly  
**Sent:** Thursday, January 26, 2017 10:18 AM  
**To:** Ryan, Cassandra  
**Cc:** Talbott, Bill  
**Subject:** Burlington College records

DHR will give me the card reader info which I can give to Paul Vander Graff tomorrow. I told him these records were left unattended when the college closed and there was a break-in. AOE is making no representations about the condition of the records.

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## Bachman, Molly

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**From:** Bachman, Molly  
**Sent:** Wednesday, March 29, 2017 1:58 PM  
**To:** Talbott, Bill; Ryan, Cassandra  
**Subject:** FW: Burlington College records

For your records.

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**From:** Bachman, Molly  
**Sent:** Thursday, February 02, 2017 2:55 PM  
**To:** 'Van de Graaf, Paul (USAVT)' <Paul.Van.De.Graaf@usdoj.gov>  
**Cc:** Ryan, Cassandra <Cassandra.Ryan@vermont.gov>  
**Subject:** Burlington College records

Hi Paul,

FBI Special agent Patrick Hanna asked for another month to review records at the AOE. That is fine. AOE will not destroy the records until March 1. We are going to arrange destruction for then so please make sure you have everything you might need before that.

Best,

Molly Bachman  
General Counsel  
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## Bachman, Molly

---

**From:** Bachman, Molly  
**Sent:** Friday, December 16, 2016 10:10 AM  
**To:** Ryan, Cassandra  
**Subject:** FW: Burlington College Non-Academic Records

I want to bring you up-to date on the records situation. See email chain below – maybe there is hope.

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**From:** Bachman, Molly  
**Sent:** Friday, December 16, 2016 9:48 AM  
**To:** 'Bob Roesler'; Yves Bradley  
**Cc:** Griffin, Bill; Torti, Tom; Jane Knodell  
**Subject:** RE: Burlington College Non-Academic Records

They are stored in a room that's larger than a standard office but they are not stacked more than 2 high so they would fit in a much smaller room.

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**From:** Bob Roesler [<mailto:broesler@waterburystowelaw.com>]  
**Sent:** Friday, December 16, 2016 9:44 AM  
**To:** Bachman, Molly; Yves Bradley  
**Cc:** Griffin, Bill; Torti, Tom; Jane Knodell  
**Subject:** RE: Burlington College Non-Academic Records

Molly:  
150 boxes? That is a very large amount; how much actual space do those boxes occupy?

Bob

Robert C. Roesler, Esq.  
Darby Kolter & Nordle, LLP  
C.C. Warren House  
89 South Main Street  
Waterbury, Vermont 05676  
Phone 802-244-7352  
Fax: 802-244-5954

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**From:** Bachman, Molly [<mailto:Molly.Bachman@vermont.gov>]  
**Sent:** Friday, December 16, 2016 9:42 AM  
**To:** Bob Roesler; Yves Bradley  
**Cc:** Griffin, Bill; Torti, Tom; Jane Knodell  
**Subject:** RE: Burlington College Non-Academic Records

Bob,

Thanks for getting back to me so quickly. If you or any board member(s) want to take a look at the records, let me know and I can arrange it quickly – hopefully before the 31st when AOE loses the storage space.

I counted about 150 boxes – banker box size. Some of the records are pretty disorganized but some boxes appear to be accurately labeled.

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**From:** Bob Roesler [<mailto:broesler@waterburystowelaw.com>]  
**Sent:** Friday, December 16, 2016 9:33 AM  
**To:** Bachman, Molly; Yves Bradley  
**Cc:** Griffin, Bill; Torti, Tom; Jane Knodell  
**Subject:** RE: Burlington College Non-Academic Records

Molly:

Thank you for the follow up. I have returned Bill's call and have left a message for Yves Bradley, the chair of the Board. I will forward your message and draft resolution to the executive committee and get back to you asap. My initial belief is that some of those records need to be retained, but perhaps not all.

How many boxes and of what size box are we talking about? If we can find a place to store them, we probably will take the financial records, at least.

Bob

Robert C. Roesler, Esq.  
Darby Kolter & Nordle, LLP  
C.C. Warren House  
89 South Main Street  
Waterbury, Vermont 05676  
Phone 802-244-7352  
Fax: 802-244-5954

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**From:** Bachman, Molly [<mailto:Molly.Bachman@vermont.gov>]  
**Sent:** Thursday, December 15, 2016 5:43 PM  
**To:** [broesler@waterburystowelaw.com](mailto:broesler@waterburystowelaw.com)  
**Cc:** Griffin, Bill  
**Subject:** Burlington College Non-Academic Records

Hi Bob,

I am following up on the voicemail Bill Griffin left you this afternoon concerning Burlington College.

As you know the Agency of Education is in temporary possession of records of Burlington College. The State Board of Education authorized the Agency to take possession of the records in order to secure student academic records. The Agency has been processing requests from students for transcripts since last summer. In the course of sorting and organizing the student records it became apparent that AOE is in possession of a large quantity of non-academic records. These appear to include general business records, NEASC records, Board material including minutes, financial aid records and various other nonacademic material. AOE has no public purpose to retain these private college materials. Further, the lease on the space in which AOE has stored the records expires at the end of this month.

Therefore, the Agency is asking that Burlington College Board authorize it to destroy these nonacademic records prior to the end of the year. I have enclosed a draft resolution for your review.

If, instead, the Board wish the records to be returned, the Agency will arrange for that. I'd ask that you provide an address for delivery of the materials. If I should be contacting the Board members directly please so advise me.

Thank you for your attention to this.

Molly Bachman  
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