

For the record, my name is Wendy Mays and I am the Executive Director of the Vermont Association of Broadcasters.

Thank you for inviting me to speak on behalf of the eight television stations and 98 radio stations operating throughout the state of Vermont. The VAB represents over 600 Vermonters working in commercial and non-commercial radio and television on both sides of the cameras and microphones.

We are the DJs, anchors, reporters, meteorologists and sportscasters you invite into your homes, cars and workplaces to provide you with local weather forecasts, high school and college sports scores, music, shows - and most importantly, *real* news Vermonters trust and rely on to stay informed.

Like elected officials, radio and television stations have a duty, responsibility and obligation to serve the Vermont communities we are licensed to.

Like you, we are part of the checks and balances system that defines our country's great democracy. Without journalists who ask the hard questions and dig deep to find the truth, who would hold people in positions of power accountable? I'm an optimist and know that most people are inherently good, but there are some bad apples out there making bad decisions, taking advantage of and abusing their power to the detriment of innocent people. And we all work together to get those bad apples out of our state's barrel. The legislature exists to create laws, police exist to enforce laws, courts exist to interpret laws, and the media exists to uncover and expose law breakers. And since bad apples are not usually forthcoming with the truth, in most cases records are the only way for us to find it.

That is why the Vermont Association of Broadcasters supports the VT Supreme Court's ruling and the position of Governor Phil Scott and Secretary of State Jim Condos that inspection of public records remain free.

Much like our election system, which costs money to operate, it is the cost of doing business in a democracy. And just like citizens should never have to pay a poll tax to vote, they should never have to pay a fee to look at records that belong to the public.

Right now, the request to inspect records seems very reactive. But, like Vermont Archivist and Chief Records Officer Tanya Marshall testified earlier, if records are managed properly from the beginning, following an organized and consistent protocol, like reviewing and redacting exempt information before they get filed, they only have to be handled once in order to be available for anyone who wants to see them.

High-tech keyword search and redaction software programs are widely available cost-effective tools agencies can use to proactively prepare records for public inspection. And unlimited storage space in the cloud means there's plenty of room to keep them where anyone can access them. I echo Jon Groveman's testimony that it is unfair to charge the public for inefficiencies in record management, especially when it sounds like Vermont Archives is a great resource that is being under-utilized.

I know this cloud-based storage of scanned records is possible, because it is the standard broadcasters are held to. Every station is licensed by the Federal Communications Commission and is required to have a series of records available online for public inspection at any time. Records include a list of programs that show how a station has addressed the needs and interests of its community, details about political advertisements a station airs, the station's Equal Employment Opportunity activities, Children's Programming reports and other official documents. At least one person at every station is responsible as part of their job description to make sure these documents are prepared and uploaded by the deadline every three months. Each file is date and time stamped, so if a station is late or fails to upload these documents, they risk tens of thousands of dollars in fines and possible non-renewal of their license. This standard exists whether you have a staff of forty or four and is very time consuming. Broadcasters are held to a very high standard by the FCC and there are very serious repercussions if we don't comply with the system they have in place that ensures the public has free access to our records.

Earlier today, Department of Public Safety Deputy Commissioner testified that most of the 4,500 records requests last year came across his desk. And last week, the Attorney General's Chief of Staff testified in the House Government Ops committee that she personally handled the review and redactions for the 157 public records requests that came to the AG's office last year. That made me think, why does the DPS *Deputy Commissioner* and AG *Chief of Staff* have to spend their time redacting documents? Is there no one else in these departments qualified or capable of doing this and why? Is it because the 270+ exemptions are so subjective and open to interpretation, that it's impossible for anyone except a highly trained professional to work with them? If so, therein may lie the burden on the custodians of public records.

In addition, I believe there is widespread mis-interpretation of the fee structure for copies that is resulting in inconsistent charges between municipalities and state agencies and departments. I concur with what Jon Groveman said earlier as I have heard stories from our news departments about inconsistent charges from town to town as well as being quoted thousands of dollars to fulfill a narrow public records request, which is interpreted as a financial brick wall to delay or deny the request.

In closing, Vermont Association of Broadcasters urge you to join us in supporting the Vermont Supreme Court's decision, which supports freedom of information and transparent government.

I appreciate this committee giving me the opportunity to speak on behalf of Vermont's hard working broadcast journalists. My hope is that you will see Vermont Association of Broadcasters as a resource and I offer to be of service to this committee in whatever capacity you need me as we continue this important conversation.