

1 § 901a. ACCESSIBILITY AND CONFIDENTIALITY OF LICENSING
2 AND DISCIPLINARY MATTERS

3 (a) It is the purpose of this section to protect the reputation, security
4 practices, and trade secrets of licensees from undue public disclosure while
5 securing the public’s right to know of government licensing actions relevant to
6 the public health, safety, and welfare.

7 (b) All meetings and hearings of the Board shall be subject to the Vermont
8 Open Meeting Law as provided in 1 V.S.A. § 312.

9 (c) The following shall be exempt from public inspection and copying
10 under the Public Records Act and shall be kept confidential:

11 (1) records related to licensee security, safety, transportation, or trade
12 secrets, including information provided in an operating plan pursuant to
13 subdivision 881(a)(1)(B) of this title; and

14 (2) records related to complaints, investigations, proceedings, or related
15 records, except as provided in subsection (d) of this section.

16 (d)(1) If a complaint or investigation results in formal action to revoke,
17 suspend, condition, reprimand, warn, fine, or otherwise to penalize a licensee
18 based on noncompliance with law or regulation, the case record, as defined by
19 3 V.S.A. § 809(e), shall be public available for public inspection and copying
20 under Vermont’s Public Records Act.

1 (2) The Board shall prepare and maintain an aggregated list of all closed
2 investigations into misconduct or noncompliance from whatever source
3 derived. The information contained in the list shall be a ~~public record~~
4 available for public inspection and copying under Vermont’s Public Records
5 Act. The list shall contain the date, nature, and outcome of each complaint.
6 The list shall not contain the identity of the subject licensee unless formal
7 action resulted, as described in subdivision (1) of this subsection.

8 (e) Notwithstanding 1 V.S.A. § 317(e), the Public Records Act exemption
9 created in this section shall continue in effect and shall not be repealed through
10 operation of 1 V.S.A. § 317(e).

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