



MAURA HEALEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

(617) 727-2200  
[www.mass.gov/ago](http://www.mass.gov/ago)

February 22, 2019

**VIA E-MAIL ONLY**

Matthew Hardin  
Energy Policy Advocates  
[matthewhardin@gmail.com](mailto:matthewhardin@gmail.com)

**Re: Your Public Records Request**

Dear Mr. Hardin:

I write in response to your public records request received on February 6, 2019<sup>1</sup> and made pursuant to the Massachusetts public records law, M.G.L. c. 66, § 10. In a February 5 letter sent via e-mail and addressed to me, you requested copies of records dated between August 25, 2017 through December 31, 2017 from the Office of the Attorney General (AGO), specifically as follows:

- I. your Office's Application to the State Energy & Environmental Impact Center, or any application otherwise sent to [David.Hayes@nyu.edu](mailto:David.Hayes@nyu.edu), or [stateimpactcenter@nyu.edu](mailto:stateimpactcenter@nyu.edu);
- II. all opinions, analyses and/or or determinations concluding that your Office has the legal authority to hire or otherwise bring into the Office, under any title whether Special Assistant Attorney General or otherwise, an NYU Fellow or otherwise a privately funded attorney;
- III. all opinions, analyses and/or or determinations concluding that a Special Assistant Attorney General, or anything else offered or provided by NYU, does or does not constitute an impermissible gift under applicable law, code or regulation;
- IV. all opinions, analyses and/or or determinations concluding that a Special Assistant Attorney General, or anything else provided by NYU, does or does not comply with or violate applicable ethics, professional conduct or anti-corruption law, code or regulation;

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<sup>1</sup> See Supervisor of Records Regulations at 950 CMR 32.03(3). See also 950 CMR 32.02 and 950 CMR 32.06(2)(e).



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- V. all correspondence sent to, from, or copying (whether as cc: or bcc:) Mike.Firestone@state.ma.us that includes anywhere "NYU", be it in an email address (e.g., @nyu.edu), or otherwise.

Please be advised that records responsive to your request are not subject to disclosure under: M.G.L. c. 4, § 7, cl. 26(a), as they are records specifically exempted from disclosure by statute (M.G.L. c. 268B, § 3(g)); and M.G.L. c. 4, § 7, cl. 26(c), as they are personnel files or information. Additionally, some of these records are privileged attorney-client communications that are likewise protected from disclosure.<sup>2</sup>

You have the right to appeal this response to the Supervisor of Records pursuant to M.G.L. c. 66, § 10A(a), and to seek judicial review of an unfavorable decision by commencing a civil action in the superior court under M.G.L. c. 66, § 10A(c).

Very truly yours,



Lorraine A.G. Tarrow  
Assistant Attorney General & Records Access Officer  
General Counsel's Office

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<sup>2</sup> See Suffolk Const. Co., Inc. v. Division of Capital Asset Management, 449 Mass, 444 (2007); Hanover Ins. Co. v. Rapo & Jepsen Ins. Services, Inc., 449 Mass. 609 (2007).