

From: Chap Petersen
Sent: Monday, October 13, 2025 9:18 PM
To: Eric Gagnon ; Carter Nevill ; Stephen Clough ; Frank Cassidy
Cc: Patrick R. Corish ; William Semple ; Roy Francis ; Larry Kovalik ; David McGuire ; Paul Mooney ; Michele O'Halloran
Subject: RE: Town E-Mail Records Review Resolution for Next Week's Meeting

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Mr. Mayor and Members of Council:

I am overseas through October 19th so necessarily participating in this discussion remotely. I have talked to many of you over the past few weeks and also written multiple letters and legal opinions on these issues. My associate Dylan Phillips specifically addressed the Law Enforcement Organization (LEO) agreements in the memo dated September 22, 2025. That speaks for itself.

So as not to repeat all the previous points, let me focus on the following:

- My #1 concern with the Commission has been amount of time and money invested without any actual work product being created;
- My compromise on August 23rd was designed to move the Commission forward and finally end the "emails" issue which was a collateral dispute that had wasted 4-5 months and thousands of dollars in staff and professional time (unnecessarily);
- As my office pointed out in the September memo, the LEO agreements have legal specific restrictions which we must follow;
- Regardless, any records protected by these LEO Agreements are not remotely relevant to the objectives of the Commission, which is supposed to be about investigating three land-use applications;
- Town staff has worked tirelessly to support the Commission for whatever it needs. There are no "emails being withheld" – indeed, we have thousands of records which are available at Town Hall but have been unexamined;
- I am most concerned that the "emails" issue is being used to isolate and dismiss members of the Town staff. I am also worried that it could be used to modify or destroy Town records relating to the 2020-2023 period which may be embarrassing to certain persons who now seek unfettered access. Neither objective is consistent with the Resolution that the Council passed back in January;
- I am obligated to follow the instructions of Town Council but I can't take actions under VA Code 8.01-271.1 which I view as either illegal or unethical. That was the gist of my statement to the Commission last Monday;

My office has enjoyed representing the Town for the past ten months. We have many pending matters of which the Transparency Commission is but one. We intend to continue representing the Town until you decide to replace us – but cannot participate in the Commission if you pursue this alternative.

I say this respectfully but firmly,

Thanks,