

**STATE RECORDS COMMITTEE  
PUBLIC NOTICE**

The State Records Committee will hold a meeting on **Thursday, December 11, 2014**. The meeting will be held in the Courtyard Meeting Room, State Archives Building, 346 South Rio Grande Street, Salt Lake City, Utah, beginning at 9:00 a.m. This is a public meeting, and anyone can attend. Committee business and five hearings scheduled.

**AGENDA**

**Hearing: Daniel Rivera Jr. vs. Department of Human Services; Division of Child and Family Services (Appealed 6 Nov).** Mr. Rivera is appealing the denial of records from DCFS. Mr. Rivera claims DCFS used the police raid at his house as a basis to file the petition to terminate his parental rights. DCFS basis for denying the records request is the agency does not currently possess any records that are responsive to the request and recommended him to appeal the decision to the State Records Committee or District Court.

**Hearing: Laura Smith/Truth in Advertising, Inc. vs. Department of Commerce: Division of Consumer Protection (Appealed 23 Oct).** *Truth in Advertising. Org* (TINA) requests copies of any and all complaints the State of Utah Department of Commerce, Division of Consumer Protection has received relating to Vapex LLC, Sinless Vapor LLC, and OZN Web LLC, a Utah companies. TINA is requesting personal identifying information of the complainant(s) be redacted. DCP denied access due to the records series is classified Private and Protected pursuant under 63G-3-302(2)(d) and 63G-2-305(10).

**Hearing: Jordanelle Special Service District (JSSD) vs. Office of the Utah State Auditor.** JSSD is appealing the decision of the Utah State Auditor decision to deny records that relate to a "Standstill Agreement." The Utah State Auditor denied the request based in part of an ongoing audit by the Office of Utah State Auditor, and the records are classified "Protected."

**Hearing: Nate Carlisle/Salt Lake Tribune vs. Hildale, UT (Appealed 19 Sep).** Mr. Carlisle is appealing the denial of the case financial settlement amount (Case No. 3:10-cv-08105-JAT). Mr. Carlisle contacted Mr. R. Blake Hamilton of Durham Jones & Pinegar law firm, verbally was told to submit a GRAMA request, Mr. Hamilton has not responded.

**THIS HEARING CANCELED**

**Hearing: P. Robert Augason vs. University of Utah (Appealed 21 Oct).** Mr. Augason is appealing the denial of records relating to the property, income, and trademark rights associated with various block "U" trademarks.

**THIS HEARING CANCELED**

**Hearing: R. Shane Johnson vs. Salt Lake City Parking Enforcement (Appealed 23 Oct).** Mr. Johnson is appealing the partial denial of records by the Salt Lake City Parking Enforcement based on the records are classified as private under Utah Code sections 63G-2-305(17)(18) and (23).

**THIS HEARING CANCELED**

**Hearing: Schatz/Anderson & Associates vs. Roosevelt Police Department (Appealed 29 Oct).** Schatz/Anderson & Associates law firm is appealing the denial of their GRAMA requests by the Roosevelt City's Chief Administrative Officer. The law firm is representing Jordan Benson and requested a copy of video and audio for a Reckless Driving Violation. The law firm is also representing Rory Curry and requested a copy of video and audio for an Open Container Violation. Both GRAMA requests were denied due to no response from the records officer or CAO of Roosevelt Police Department.

**THIS HEARING CANCELED**

**Hearing: Karl Losee vs Utah Department of Corrections (Appealed 6 Nov).** Mr. Losee is appealing the denial of photos from UDC. UDC denied the records request based on the classification of the requested photos as "protected" pursuant to 63G-2-305(10).

**BUSINESS**

**Approval of November 13, 2014, SRC Minutes, action item**

**Retention Schedules, action item**

**SRC appeals received**

**Cases in District Court**

**Other Business**

**Next meeting will be held January 8, 2014.**

**ADA:** In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Nova Dubovik at the Utah State Archives and Records Service, 346 S. Rio Grande, Salt Lake City, Utah 84101, or call (801)531-3834, at least three days prior to the meeting.

**Electronic Participation:** One or more members of the State Records Committee may participate electronically or telephonically pursuant to Utah Code 52-4-207(2) and Administrative Rule 35-1-2. Please direct any questions or comments to: State Records Committee, Utah State Archives, 346 S. Rio Grande, Salt Lake City, Utah 84101 (801) 531-3834.

**STATE RECORDS COMMITTEE MEETING**  
**Thursday December 11, 2014**  
**9:00 a.m.**

**Utah State Archives Building**  
**346 S. Rio Grande St.**  
**Salt Lake City, UT 84101**

**AGENDA**

**HEARINGS**

**Hearing: Daniel Rivera Jr. vs Department of Human Services; Division of Child and Family Services (Appealed 6 Nov).** Mr. Rivera is appealing the denial of records from DCFS. Mr. Rivera claims DCFS used the police raid at his house as a basis to file the petition to terminate his parental rights. DCFS basis for denying the records request is the agency does not currently possess any records that are responsive to the request and recommended him to appeal the decision to the State Records Committee or District Court. Telephonic.

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**Hearing: Jordanelle Special Service District (JSSD) vs. Office of the Utah State Auditor.** JSSD is appealing the decision of the Utah State Auditor decision to deny records that relate to a "Standstill Agreement." The Utah State Auditor denied the request based in part of an ongoing audit by the Office of Utah State Auditor, and the records are classified "Protected."

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**Hearing: Karl Losee vs Utah Department of Corrections (Appealed 6 Nov).** Mr. Losee is appealing the denial of photos from UDC. UDC denied the records request based on the classification of the requested photos as "protected" pursuant to 63G-2-305(10).

## **BUSINESS**

**Approval of November 13, 2014, SRC Minutes, action item**

**Retention Schedules, action item**

**SRC appeals received**

**Cases in District Court**

**Other Business**

**Next meeting scheduled for January 8, 2015 @ 9:00 a.m. to 5:00 p.m.**

# SRC Appeals Received

December 2014

## Pending Documentation/Other:

## Hearing Denial/Incomplete Appeals:

- 1 **14-70 John Montour vs. UDC/ Clinical Services (Appealed 12 Nov).** Mr. Montour is appealing the denial of a Mental Health Evaluation performed by Clinical Services on approximately May 2014. Clinical Services denied the records request based on the classification of the requested records as “protected” pursuant to 63G-2-204 and 304. Pending executive secretary review of documents. After reviewing and consulting with the Chair and one other SRC member (R35-2-2(3)) the hearing is declined due to the appeal being submitted to SRC past the 30 day mark from CAO denial and SRC found subject of the appeal in previous hearing involving the same government entity to be appropriately classified as private, controlled, or protected. 63G-2-403(4)(b)(i).(Case No. 99-02).

## Hearing Scheduled for December:

- 2 **14-58 Jordanelle Special Service District (JSSD) vs. Office of the Utah State Auditor (Appealed 7 Oct).** JSSD is appealing the decision of the Utah State Auditor decision to deny records that relate to a “Standstill Agreement.” The Utah State Auditor denied the request based in part of an ongoing audit by the Office of Utah State Auditor, and the records are classified “Protected.” Hearing is rescheduled for December.
- 3 **14-69 Laura Smith/Truth in Advertising, Inc. vs. Department of Commerce: Division of Consumer Protection (Appealed 23 Oct).** *Truth in Advertising.* Org (TINA) requests copies of any and all complaints the State of Utah Department of Commerce, Division of Consumer Protection has received relating to Vapex LLC, Sinless Vapor LLC, and OZN Web LLC, a Utah companies. *TINA* is requesting personal identifying information of the complainant(s) be redacted. DCP denied access due to the records series is classified Private and Protected pursuant under 63G-3-302(2)(d) and 63G-2-305(10). Hearing is scheduled for December will be telephonic.
- 4 **14-55 Nate Carlisle/Salt Lake Tribune vs. Hildale, UT (Appealed 19 Sep).** Mr. Carlisle is appealing the denial of the case financial settlement amount (Case No. 3:10-cv-08105-JAT). Mr. Carlisle contacted Mr. R. Blake Hamilton of Durham Jones & Pinegar law firm, verbally was told to submit a GRAMA request, Mr. Hamilton has not responded. Hearing is scheduled for December.
- 5 **14-63 P. Robert Augason vs. University of Utah (Appealed 21 Oct).** Mr. Augason is appealing the denial of records relating to the property, income, and trademark rights associated with various block “U” trademarks. Hearing is rescheduled for January.
- 6 **14-65 R. Shane Johnson vs. Salt Lake City Parking Enforcement (Appealed 23 Oct).** Mr. Johnson is appealing the partial denial of records by the Salt Lake City Parking Enforcement based on the records are classified as private under Utah Code sections 63G-2-305(17)(18) and (23). Hearing canceled for December. Resolved through ombudsman.

- 7 **14-66 Schatz/Anderson & Associates vs. Roosevelt Police Department (Appealed 29 Oct).** Schatz/Anderson & Associates law firm is appealing the denial of their GRAMA requests by the Roosevelt City's Chief Administrative Officer. The law firm is representing Jordan Benson and requested a copy of video and audio for a Reckless Driving Violation. The law firm is also representing Rory Curry and requested a copy of video and audio for an Open Container Violation. Both GRAMA requests were denied due to no response from the records officer or CAO of Roosevelt Police Department. Hearing canceled for December. Resolved through ombudsman.
- 8 **14-67 Daniel Rivera Jr. vs Department of Human Services; Division of Child and Family Services (Appealed 6 Nov).** Mr. Rivera is appealing the denial of records from DCFS. Mr. Rivera claims DCFS used the police raid at his house as a basis to file the petition to terminate his parental rights. DCFS basis for denying the records request is the agency does not currently possess any records that are responsive to the request and recommended him to appeal the decision to the State Records Committee or District Court. Hearing is scheduled for December will be telephonic.
- 9 **14-68 Karl Losee vs Utah Department of Corrections (Appealed 6 Nov).** Mr. Losee is appealing the denial of photos from UDC. UDC denied the records request based on the classification of the requested photos as "protected" pursuant to 63G-2-305(10). Hearing canceled for December. Resolved through ombudsman.

#### Hearing Scheduled for January 2015

- 10 **14-73 Isaac Lemus vs. Department of Human Services, DCFS (Appealed 26 Nov).** Durham Jones & Pinegar, on behalf of the Lemus Family, is appealing the partial denial of Isaac Lemus' appeal to DHS. DHS redacted requested surveillance footage that now renders the video footage unintelligible. Hearing is rescheduled for April.
- 11 **14-71 Harshad Desai vs. Garfield Co. (Appealed 24 Nov).** Mr. Desai is appealing the denial of records pertaining to Garfield County Assessor Department employee's certification and meeting minutes. Garfield County Records Officer did not respond, however Mr. Desai did complete the appeals process and appeal to the chief administrative officer. 1 Dec., Mr. Desai faxed the CAO partial responses to his records request. Ex. Sec. contacted Garfield Co. to confirm that the ARO & CAO were contacted by Mr. Desai. Hearing scheduled for January.
- 12 **14-72 Harshad Desai vs. Tax Commission (Appealed 24 Nov).** Mr. Desai is appealing the denial of the appraisal report for his property and is requesting certification dates of the state employees. The Tax Commission records officer and/or CAO did not respond. Ex. Sec. contacted the Tax Commission to confirm that the ARO & CAO were contacted by Mr. Desai. Hearing scheduled for January.
- 13 **14-74 Richard Gunn vs. UDC (Appealed 9 Dec).** Mr. Gunn is appealing the denial of a fee waiver for records requested to submit as discovery in his case. The UDC denied his appeal based on that he has already received a fee waiver for more than 100 pages for 2014. Hearing scheduled for January.
- 14 **14-60 Robert Baker vs. UDC (Appealed 8 Oct).** Mr. Baker is appealing the denial of receiving copies of Policy and Procedures at Utah State Prison, a litigation. The Records

Officer's response is that material is found in the Inmate Reference Library and available for viewing. U.C. 63G-2-201(8)(a)(v)(A). Mr. Baker did not complete the appeals process to the Chief Administrative Officer. 10 Oct presented incomplete appeals process and documentation. On 9 Dec submitted CAO appeal documentation, Mr. Baker noted that another package is coming within a week containing more documents for his case. Hearing tentatively scheduled for January.

## December 2014 State Records Committee Case Updates

### District Court Cases

**Utah Dept. of Correction v. Campbell**, 3<sup>rd</sup> District, Salt Lake County, Case No. 140906834, Judge Parker, filed October 1, 2014.

**Current Disposition:** Complaint filed with Court, still needs to be served upon Committee and Campbell (Buzzfeed). Answer for the Committee already drafted, ready to file once we are served.

**Morgan Fife v. Orem City**, 4<sup>th</sup> Judicial District, Utah County, Case No. 140400007, Judge McVey, filed January 2, 2014.

**Current Disposition:** Court issued a decision on November 25, 2014, denying Petitioner's request for attorney fees, agreeing with Respondents' arguments that failure to file a notice of claim deprived the Court the jurisdiction necessary to award attorney fees.

**Salt Lake City v. Jordan River Restoration Network**, 3<sup>rd</sup> Judicial District, Salt Lake County, Case No. 100910873, Judge Stone, filed June 18, 2010.

**Current Disposition:** Hearing set for January 8, 2015 on cross motions for summary judgment.

### Appellate Court Cases

**Attorney General Office v. Schroeder**, Utah Supreme Court, Appeal No. 20121057.

**Current Disposition:** Case has been transferred and certified to the Utah Supreme Court as of January 31, 2014. Appellee (Attorney General Office) appellate brief filed on February 19, 2014, reply brief filed on April 22, 2014. Waiting for hearing date to be scheduled.

**Salt Lake City Corp. v. Mark Haik**, Court of Appeals Case No. 20130383.

**Current Disposition:** Decision rendered by Court of Appeals on August 14, 2014 (2014 UT 193). Haik filed a discretionary appeal with the Utah Supreme Court, which was circulated to the justices on October 17, 2014.