

STATE RECORDS COMMITTEE

NOTICE OF PUBLIC MEETING

Thursday, April 9, 2015 at 9 a.m. to 4 p.m.

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

NOTE: The Chair may recess at 12 noon and may reconvene at 12:30 p.m. for lunch when there are two or more hearings scheduled.

AGENDA

HEARINGS:

Harshad P. Desai vs. Panguitch City, Utah. Mr. Desai is appealing the City's denial of records relating to the 2013 list of vendors for the Panguitch Balloon Festival, 2014 Balloon Festival meeting minutes, and city policy for citizen organizers. Telephonic.

Thomas Dudley Beck vs Bluff Water Works Special Service District (BWWSSD). Mr. Beck is appealing the denial of water use data forms from 2007-2014 from Bluff Water Works Special Service District (BWWSSD). BWWSSD states they do not maintain the records and denied access to the requested information from disclosure pursuant to Subsection 63G-2-201(8)(a).

CANCELED HEARINGS:

Isaac Lemus vs. Department of Human Services, DCFS. 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.

Scott Gollaher vs. DCFS. Mr. Gollaher is appealing DCFS denial for case # 1887537 and names of employee who had contact with said parties on specific days identified in the appeal. Telephonic.

BUSINESS

Approval of March 19, 2015, SRC Minutes, action item

Retention Schedules, action item

SRC appeals received

Cases in District Court

Other Business

Next meeting scheduled for May 14, 2015 @ 9 a.m. to 4 p.m.

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

Appeals Received

As of April 2015

Pending Documentation/Other:

- 1 **15-11 Daniel Rivera vs. Attorney General's Office (Appealed 31 Mar).** Mr. Rivera is appealing the denial of records relating to the termination of his parental rights in Feb. 2013. Missing governmental entities denial and original request. **Incomplete notice of appeal to SRC.**
- 2 **15-13 Richard J. Garcia vs. Utah Department of Corrections (Appealed 2 April).** Mr. Garcia is appealing the denial of transportation records from July 8, 2014, to present. Seeking records on all transportation departures and returns, dates and times, and policy regarding restraints. Missing governmental entity and chief administrative officer denials. **Incomplete notice of appeal to SRC.**
- 3 **15-14 Karl Losee vs. Utah Department of Corrections (Appealed 2 April).** Mr. Losee is appealing the redaction and denial of emails from December 2009 to March 31, 2010, involving him and the listed individuals on the GRAMA request. Missing governmental entity and original request. **Incomplete notice of appeal to SRC.**
- 4 **15-15 Patrick Sullivan vs. University of Utah (Appealed 3 April).** Mr. Sullivan is appealing the denial of his GRAMA request for medical records dating September 1, 2014 to present from the University of Utah, Medical Records Office. Missing governmental entity and chief administrative officer denial, and original request. **Incomplete notice of appeal to SRC.**

Hearing Declined:

- 5 **14-60 Robert Baker vs. UDC (Appealed 8 Oct).** Mr. Baker appealed the denial of receiving copies of Policy and Procedures at Utah State Prison and that UDC's interpretation of U.C. 63G-2-201(8)(a)(v)(A) was never appealed or legally challenged before the State Records Committee. On or about December 30, 2014, UDC reset the 100 copy allotment and provided copies of the policy to Mr. Baker. **Hearing denied January 5, 2015 by Chair and second committee member because the subject of the appeal has been found by the Committee in a previous hearing involving the same governmental entity. Decisions and Orders 14-12 & 12-23. Mr. Baker has requested reconsideration for a hearing on January 29th and most recently March 5 & April 2. SRC denied Mr. Baker a hearing. The SRC will not respond to Mr. Baker's April 2, 2015, fourth motion for reconsideration. No such motion exists for a reconsideration once a case is denied. SRC jurisdiction is statutory that once a case is denied the petitioner has 30 days to appeal to District Court.**

Hearing Scheduled for April 2015:

- 6 **15-05 Scott Gollaher vs. DCFS (Appealed 5 Feb).** Mr. Gollaher is appealing DCFS denial for case # 1887537 and names of employee who had contact with said parties on specific days identified in the appeal. [Hearing is withdrawn.](#)
- 7 **15-04 Harshad P. Desai vs. Panguitch City, Utah (Appealed 2 Feb).** Mr. Desai is appealing the City's denial of records relating to the 2013 list of vendors for the Panquitch Balloon Festival, 2014 Balloon Festival meeting minutes, and city policy for citizen organizers. [Hearing is scheduled for April. Telephonic.](#)
- 8 **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 May.](#)
- 9 **15-10 Thomas Dudley Beck vs Bluff Water Works Special Service District (BWWSSD) (Appealed 9 Mar).** Mr. Beck is appealing the denial of water use data forms from 2007-2014 from Bluff Water Works Special Service District (BWWSSD). BWWSSD states they do not maintain the records and denied access to the requested information from disclosure pursuant to Subsection 63G-2-201(8)(a). [Hearing is scheduled for April.](#)

Hearing Scheduled for May 2015:

- 10 **15-08 Paul Amann vs. Dept. of Human Resource Management (Appealed 17 Feb).** Mr. Amann is appealing DHRM's denial of the investigative results and report that were produced and prepared by the Attorney General's office with the assistance from DHRM. [Continuance scheduled for May.](#)
- 11 **15-12 Swen Heimberg vs. Peace Officer Standards & Training (POST) (Appealed 1 April).** Dyer Law Group PLLC, on behalf of Mr. Heimberg, is appealing the denial of investigative files and requesting a fee waiver. [Hearing is scheduled for May.](#)

Hearing Scheduled for Jun 2015:

- 12 **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. The Petitioner would like to reschedule the hearing canceled in February for April or May. Mr. Augason stated the respondent has not provided the requested records as promised. SRC granted Mr. Augason a new hearing date. [Hearing is scheduled for June.](#)

April 2015 State Records Committee Case Updates

District Court Cases

Utah Dept. of Human Resources v. Paul Amann, 3rd District, Salt Lake County, Case No. 150901160, filed February 19, 2015.

Current Disposition: Complaint filed with the Court and answer filed on behalf of the Committee on March 11, 2015. A motion was made to seal the record, which was granted by the Court on March 9, 2015.

Daniel Rivera Jr. v. Utah Department of Human Services, Division of Child and Family Services, 3rd District, Salt Lake County, Case No. 150900589, Judge Toomey, filed January 27, 2015.

Current Disposition: Complaint filed with Court but no service yet on the Committee. Answer prepared to file once service has been completed.

Jordanelle Special Service District v. Utah State Auditor, 3rd District, Salt Lake County, Case No. 150900423, Judge McKelvie, filed January 20, 2015.

Current Disposition: Parties have agreed to dismiss the case pending the release of the audit by the Utah State Auditor.

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

Current Disposition: Case dismissed on April 3, 2015 based upon Default Judgment for failure to file an Answer by Campbell (Buzzfeed).

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

Current Disposition: Decision from the Court granted motions for SLC regarding Jordan River's claims, but Court denied motion for summary judgment regarding the ultimate issue of the case (should the fee be waived for the records).

Appellate Court Cases

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

Current Disposition: Oral argument heard by Utah Supreme Court on April 1, 2015. Case has been submitted to the Court for decision.