

STATE RECORDS COMMITTEE

NOTICE OF PUBLIC MEETING

Thursday, March 17, 2016, 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:**

**Patrick Sullivan vs. Attorney General's Office:** Mr. Sullivan is appealing the Attorney General's Office decision to not search Google Vault for responsive emails to his GRAMA request. Telephonic.

**Edgar Frye vs. Department of Human Services, Division of Aging and Adult Services:** Mr. Frye is appealing access denial to all records of interviews, phone calls, etc., in an abuse case. Telephonic.

**Roger Bryner vs. Clearfield City:** Mr. Bryner is appealing redactions in the production of requested records. Telephonic.

**Tammy Halvorson, Diamond Parking Services, LLC vs. Utah State Tax Commission:** Ms. Halvorson, Diamond Parking Services, LLC, represented by Stoel Rives LLP, is appealing the State Tax Commission's denial for Motor Vehicle Information Account record. (Appeal withdrawn)

**WITHDRAWN/POSTPONED HEARINGS:**

**Colby Frazier, Salt Lake City Weekly vs. Salt Lake City Police Department:** Mr. Frazier is appealing a fee waiver denial. (Appeal Withdrawn).

**Sadie Schilaty vs. Utah Department of Human Services, Division of Child and Family Services:** Ms. Schilaty is appealing access denial to DCFS records. (Postponed)

**Thomas Cross vs Department of Human Services, Division of Child and Family Services**  
Mr. Thomas Cross, represented by Trupiano Law, PC, is appealing denial of investigative notes and records. (Postponed)

## **BUSINESS**

**Approval of February 11, 2016, SRC Minutes, action item**

**Retention Schedules, action item**

**SRC appeals received**

**Cases in District Court**

**Other Business**

**2016 Legislative Updates**

**Next meeting scheduled for April 14, 2016, @ 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.

## APPEALS TO THE STATE RECORD COMMITTEE:

As of March 2016

Appeals Request No.	Case Title/ Participants	Records Sought	Notes	Status
2016-14	Jeremiah Hart vs. Salt Lake County Attorney (Appealed 25 February)		Telephonic Draper	Incomplete
Mr. Hart is appealing access denial to his case files. The GRAMA request and appeal were sent to the wrong governmental entity. He has been referred to the appropriate governmental entity.				
2016-17	Patrick Sullivan vs. University of Utah, Medical Center (Appealed 8 March)		Telephonic Draper	Incomplete
Mr. Sullivan is appealing access denial to medical records and emails. As the subject of the records he is requesting a fee waiver.				
2016-20	Mark Kimball vs. Salt Lake County Health Department (Appealed 10 March)		Telephonic Draper	Incomplete
Mr. Kimball is appealing the CAO's failure to reach a decision on an appeal. The Notice of Appeal missing required documents to process the appeal.				
2016-23	Edgardo Mata vs. Utah Department of Corrections (Appealed 14 March)		Telephonic Gunnison	Incomplete
Mr. Mata is appealing access denial to his Security Threat Group (STG) file. Incomplete notice of appeal filed.				
<b>SCHEDULED HEARINGS</b>				
2015-50	Tammy Halvorson, Diamond Parking Services, LLC vs. Utah State Tax Commission (Appealed 30 July)			Appeal withdrawn
Ms. Halvorson, Diamond Parking Services, LLC, represented by Stoel Rives LLP, is appealing the State Tax Commission's denial for Motor Vehicle Information Account record. Parties are in mediation and requested a continuance for March 17 <sup>th</sup> . The records dispute resolved between parties.				

<b>2015-75</b>	<b>Edgar Frye vs. Dept. of Human Services (Division of Aging and Adult Services) (Appealed 5 October)</b>	<b>Telephonic</b>	<b>Hearing Rescheduled March 17, 2016</b>
Mr. Frye is appealing access denial to "All records of interviews, phone calls, ect, in the abuse case # 2144836." Parties are in mediation and petitioner is out of town until March. The governmental entity agreed to a continuance.			
<b>2016-02</b>	<b>Joshua Peterman vs. Saratoga Springs (Appealed 7 January)</b>		<b>Appeal withdrawn</b>
Mr. Peterman, attorney at Colne & Kinghorn, is appealing access denial to records showing "shifts, dates, and times" that a Saratoga Springs fire fighter worked from March 1, 2015 to present. The records dispute resolved between parties.			
<b>2016-05</b>	<b>Thomas Cross vs Department of Human Services, Division of Child and Family Services (DCFS) (Appealed 15 January)</b>		<b>Hearing scheduled May 12, 2016</b>
Mr. Thomas Cross, represented by Trupiano Law, PC, is appealing denial of investigative notes and records. The Petitioner made a timely Expedited Hearing request R35-6-2), it was denied because it did not demonstrate that an expedited response to the record request benefits the public rather than the person Subsection 63G-2-204(3)(a). The parties are in mediation.			
<b>2016-04</b>	<b>Sadie Schilaty vs. Utah Department of Human Services (Appealed 8 January)</b>		<b>Hearing rescheduled April 14, 2016</b>
Ms. Schilaty is appealing access denial to DCFS records. The parties are in mediation.			
<b>2016-08</b>	<b>Patrick Sullivan vs. Attorney General's Office (Appealed 25 January)</b>	<b>Telephonic Draper</b>	<b>Hearing scheduled March 17, 2016</b>
Mr. Sullivan is appealing the Attorney General's Office decision to not search Google Vault for responsive emails to his GRAMA request.			
<b>2016-09</b>	<b>Colby Frazier, Salt Lake City Weekly vs. Salt Lake City Police Department (Appealed 28 January)</b>		<b>Appeal withdrawn</b>
Mr. Frazier is appealing a fee waiver denial. The records dispute resolved between parties.			
<b>2016-11</b>	<b>Roger Bryner vs. Clearfield City (Appealed 16 February)</b>	<b>Telephonic</b>	<b>Hearing scheduled March 17, 2016</b>
Mr. Bryner is appealing redaction in the production of requested records.			
<b>2016-12</b>	<b>Reginald Williams vs. Utah Department of Corrections (Appealed 19 February)</b>	<b>Telephonic Gunnison</b>	<b>Hearing scheduled April 14, 2016</b>
Mr. Williams is appealing access denial to a "response letter" by a UDC employee. The appeal is untimely by 4 days.			

2016-13	Utah Rivers Council vs. Washington County Water Conservation District (WCWCD) (Appealed 19 February)		Hearing scheduled April 14, 2016
Nick Schou, on behalf of Utah Rivers Council, is appealing Washington County Water Conservation District's determination it does not maintain the record requested (All documentation of the WCWCD repayment plan for the proposed Lake Powell Pipeline, and schedule of payments referenced widely by the Division of Water resources and WCWCD).			
2016-15	Bryan Thatcher vs. Utah Department of Public Safety (Appealed 3 March)		Hearing scheduled April 14, 2016
Mr. Thatcher is appealing access denial to reports, notes, recordings and/or videos of interview, witness interviews and/or statements held by DPS.			
2016-16	Nate Carlisle, Salt Lake Tribune vs. Attorney General's Office (Appealed 3 March)		Hearing scheduled April 14, 2016
Mr. Carlisle is appealing access denial to criminal investigation records of Beaver County Sheriff Cameron Noel conducted 2014 or 2015 and requesting a fee waiver.			
2016-18	Cody Black vs. Lehi City Police Department (Appealed 8 March)		Hearing scheduled April 14, 2016
Mr. Black is appealing access denial to records that pertain to hiring and promoting for selected positions within the police department.			
2016-19	Daniel Ortiz vs. Utah Department of Corrections (Appealed 9 March)	Telephonic Gunnison	Hearing scheduled April 14, 2016
Mr. Ortiz is appealing access denial to Security Threat Group (STG) Policy FD29.			
2016-21	Roger Bryner vs. Utah Department of Health (Appealed 11 March)	Telephonic	Hearing scheduled April 14, 2016
Mr. Bryner is appealing a fee waiver and records access denial.			
2016-22	Roger Bryner vs. Utah Department of Health (Appealed 14 March)	Telephonic	Hearing scheduled May 12, 2016
Mr. Bryner is appealing a fee waiver and access denial to database summary.			

## March 2016 State Records Committee Case Updates

### District Court Cases

**Jordanelle Special Service Dist. v. State Auditor**, 3<sup>rd</sup> District, Salt Lake County, Judge Chon, Case No. 160901401, filed Feb. 25, 2016.

**Current Disposition:** Case may be dismissed after JSSD reviewed two boxes of records from the Auditor's Office, that had not been provided since the records were received by the Auditor's Office from JSSD. Answer to be filed on behalf of Committee by AAG Sharel Reber by March 18, 2016. Answer for State Auditor filed on March 16, 2016.

**Chad Lambourne v. Provo City**, 3<sup>rd</sup> District, Salt Lake County, Judge Stone, Case No. 160901346, filed Feb. 24, 2016.

**Current Disposition:** Answer filed on behalf of Committee on March 16, 2016. Mr. Lambourne is requesting copies of a DUI Report Form and Incident Report from Provo City Police Department, on behalf of his client.

**Ramon Somoza v. Utah County Comm.**, 4<sup>th</sup> District, Utah County, Judge McDade, Case No. 150401904, filed Dec. 10, 2015.

**Current Disposition:** Summons received by Executive Secretary for Committee on March 15, 2016. Answer or any other pleading to be filed on behalf of Committee within 20 days.

**Perry City v. Kurt Bailey**, 1<sup>st</sup> District, Box Elder County, Judge Maynard, Case No. 150100150, filed November 23, 2015.

**Current Disposition:** Case voluntarily dismissed by parties with agreed entry that states that: (1) The Division of Archives will provide training and assist records officers with Perry City, and (2) Perry City has complied with the State Records Committee decision because no record exists that is responsive to his records request (no dash cam video).

**Paul Amann v. Utah Dept. of Human Resources**, 3<sup>rd</sup> District, Salt Lake County, Case No. 150904275, filed June 24, 2015.

**Current Disposition:** Answer filed on behalf of the Committee. Potential that case may be combined with other GRAMA appeal.

**Swen Heimberg v. Utah Dept. of Public Safety**, 3<sup>rd</sup> District, Salt Lake County, Case No. 150904273, Judge Brereton, filed June 24, 2015.

**Current Disposition:** Answer filed on behalf of the Committee on January 19, 2016. Discovery served on Department in March 2016.

**Utah Attorney General v. Salt Lake Tribune**, 3<sup>rd</sup> District, Salt Lake County, Case No. 150904266, Filed June 24, 2015.

**Current Disposition:** Disputed records have been filed under seal with the court prior to dispositive motions being filed.

**Robert Baker v. Utah Dept. of Corrections**, 3<sup>rd</sup> District, Salt Lake County, Case No. 150903610, Judge Harris, filed May 29, 2015.

**Current Disposition:** Corrections has filed a motion to quash service of complaint pursuant to an eventual dismissal of action. Answer to motion to quash filed by Mr. Baker on February 24, 2016.

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

**Current Disposition:** Motion to consolidate the case with Case No. 150904275 filed on September 22, 2015.

### **Appellate Court Cases**

**Salt Lake City v. Jordan River Restoration Network**, 3<sup>rd</sup> Judicial District, Salt Lake County, Case No. 100910873.

**Current Disposition:** A Notice of Appeal was filed on January 29, 2016, indicating an intention to have the District Court's decision reviewed by either the Utah Court of Appeals or the Utah Supreme Court.