

STATE RECORDS COMMITTEE

NOTICE OF PUBLIC MEETING

Thursday, May 12, 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 reconvene at 12:30 p.m. for lunch when there are two or more hearings scheduled.**

**AGENDA**

**HEARINGS:**

**Utah Rivers Council vs. Washington County Water Conservation District:** Nick Schou, on behalf of Utah Rivers Council, is appealing Washington County Water Conservation District's determination it does not maintain the record. (**Continuance** rescheduled May 12<sup>th</sup>) Telephonic

**Angela H. Elmore, on behalf of Trenton Mellen v. Salt Lake City Corporation:** Ms. Elmore is appealing SLC classification of emails, collection methods and results, pertaining to her client's case.

**Nate Carlisle, Salt Lake Tribune vs. Attorney General's Office:** 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. (**Continuance** rescheduled May 12<sup>th</sup>)

**WITHDRAWN/POSTPONED HEARINGS:**

**Patrick Sullivan vs. University of Utah, Medical Center:** Mr. Sullivan is appealing access denial to emails and names of all orthopedic surgeons/residents who worked the Prison Telemed Clinic on September 22, 2014. He is requesting a fee waiver. Telephonic (Continuance)

**Daniel Ortiz vs. Utah Department of Corrections:** Mr. Ortiz is appealing access denial to Security Threat Group (STG) Policy FD29. Telephonic (Appeal withdrawn)

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

**Roger Bryner vs. Utah Department of Technology Services (DTS):** Mr. Bryner is appealing a fee waiver and access denial to database summary. Telephonic (Continuance)

**Erin Alberty, *Salt Lake Tribune* vs. Salt Lake City Police Department:** Ms. Alberty and Ms. Jessica Miller are appealing access denial to recordings of dispatch communications and police radio traffic related to an incident in February. (Appeal withdrawn)

## **BUSINESS**

**Approval of April 14, 2016, SRC Minutes, action item**

**Retention Schedules, action item**

**SRC appeals received**

**Cases in District Court**

**Other Business**

**Transparency position**

**Next meeting scheduled for June 09, 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 May 2016**

Appeals Request No.	Case Title/ Participants	Records Sought	Notes	Status
<b>Withdrawn, Denied, Incomplete, Pending Review</b>				
2016-34	Daniel Ortiz vs. Utah Department of Corrections	(Appealed 13 April)	Telephonic Draper	Incomplete
Mr. Ortiz is appealing access to denial to his medical/mental health records from 2004-present day. Missing CAO denial letter.				
2016-36	Josh Richins vs. Utah Department of Human Services	(Appealed 15 April)		Incomplete
Mr. Greenwood, on behalf of Josh Richins, is appealing access denial to DCFS records. Missing original request and governmental entity denial letter.				
2016-40	Raymond Valdez vs Utah Department of Corrections	(Appealed 27 April)	Telephonic Gunnison	Incomplete
Mr. Valdez is appealing access denial to his Mental Health notes and Evaluation. Missing governmental entity denial and CAO denial letter.				
2016-41	William Sherratt vs. Administrative Office of the Courts	(Appealed 27 April)	Telephonic Gunnison	Outside Jurisdiction
Mr. Sherratt is appealing access denial to court records.				
2016-43	Kevin Berry vs. Utah Department of Corrections	(Appealed 5 May)	Telephonic Draper	Incomplete
Mr. Berry is appealing access denial to his medical evaluation records from June 1992 to February 2016. Missing governmental entity and CAO denial letters.				
2016-44	Gregory Skordas, on behalf of Gage Fisher vs. Utah Department of Human Services, DCFS	(Appealed 11 May)		Incomplete
Mr. Fisher is appealing partial access denial regarding Support of Findings. The appeal process has not been exhausted missing CAO denial letter.				

## SCHEDULED HEARINGS

<b>2016-13</b>	<b>Utah Rivers Council vs. Washington County Water Conservation District (WCWCD) (Appealed 19 February)</b>	Continuance	<b>Hearing rescheduled May 12, 2016</b>
<p>Nick Schon, 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). <b>Continuance.</b></p>			
<b>2016-15</b>	<b>Bryan Thatcher vs. Utah Department of Public Safety (Appealed 3 March)</b>	Continuance	<b>Hearing rescheduled May 11, 2016</b>
<p>Mr. Thatcher is appealing access denial to reports, notes, recordings and/or videos of interview, witness interviews and/or statements held by DPS. <b>Continuance.</b></p>			
<b>2016-16</b>	<b>Nate Carlisle, Salt Lake Tribune vs. Attorney General's Office (Appealed 3 March )</b>	Continuance	<b>Hearing rescheduled May 12, 2016</b>
<p>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. <b>Continuance.</b></p>			
<b>2016-19</b>	<b>Daniel Ortiz vs. Utah Department of Corrections (Appealed 9 March)</b>	Telephonic Drapper	<b>Appeal withdrawn</b>
<p>Mr. Ortiz is appealing access denial to Security Threat Group (STG) Policy FD29. Hearing postponed on April 12<sup>th</sup> and rescheduled for May 12<sup>th</sup>. The parties resolved records dispute through mediation.</p>			
<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 rescheduled July 14, 2016</b>
<p>Mr. Thomas Cross, represented by Thupiano 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.</p>			
<b>2016-22</b>	<b>Roger Bryner vs. Utah Department of Health (Appealed 14 March)</b>	Telephonic	<b>Hearing rescheduled July 14, 2016</b>
<p>Mr. Bryner is appealing a fee waiver and access denial to database summary.</p>			

<b>2016-08a</b>	<b>Patrick Sullivan vs. Attorney General's Office (Continuance)</b>	<b>Telephonic Draper</b>	<b>Hearing rescheduled June 09, 2016</b>
Mr. Sullivan is appealing the Attorney General's Office decision to not search Google Vault for responsive emails to his GRAMA request. The parties are in mediation.			
<b>2016-26</b>	<b>Roger Bryner vs. Utah Department of Technology Services (DTS) (Appealed 24 March)</b>	<b>Telephonic</b>	<b>Hearing rescheduled July 14, 2016</b>
Mr. Bryner is appealing a fee waiver and access denial to database summary. This appeal is related to Appeal Req. #2016-22.			
<b>2016-27</b>	<b>Chad Lambourne vs. Washington City Police Department (WCPD) (Appealed 28 March)</b>		<b>Appeal withdrawn</b>
Mr. Lambourne is appealing access denial for two different clients to public records the WCPD possesses requested under GRAMA not Discovery. The parties resolved the records dispute.			
<b>2016-28</b>	<b>Erin Alberty, Salt Lake Tribune vs. Salt Lake City Police Department (Appealed 29 March)</b>		<b>Appeal withdrawn</b>
Ms. Alberty and Ms. Jessica Miller are appealing access denial to recordings of dispatch communications and police radio traffic related to an incident in February.			
<b>2016-29</b>	<b>Angela H. Elmore, on behalf of Trenton Mellen v. Salt Lake City Corporation (Appealed 1 April)</b>		<b>Hearing scheduled May 12, 2016</b>
Ms. Elmore is appealing SLC classification of emails, collection methods and results, pertaining to her client's case.			
<b>2016-30</b>	<b>Becky Wright, Standard-Examiner vs. North Ogden City (Appealed 4 April)</b>		<b>Appeal withdrawn</b>
Ms. Wright is appealing access denial to an incident report related to a substitute teacher alleged to been under the influence or impaired, N. Ogden Jr. High School. The records dispute resolved through mediation.			
<b>2016-17</b>	<b>Patrick Sullivan vs. University of Utah, Medical Center (Appealed 4 April)</b>	<b>Telephonic Draper</b>	<b>Hearing rescheduled June 09, 2016</b>
Mr. Sullivan is appealing access denial to emails and names of all orthopedic surgeons/residents who worked the Prison Telmeded Clinic on September 22, 2014. He is requesting a fee waiver. The parties are in mediation.			
<b>2016-31</b>	<b>Alba &amp; Noemi Cruz vs. Department of Human Services, Division of Aging and Adult Services (Appealed 5 April)</b>		<b>Hearing scheduled June 09, 2016</b>
Ms. Cruz is appealing partial access denial to a record that contains the referent's name in the Division of Aging and Adult Services (DAAS) system.			

<b>2016-33</b>	<b>Colby Frazier, Salt Lake City Weekly vs. Salt Lake City Police Department (Appealed 7 April)</b>		<b>Hearing scheduled June 09, 2016</b>
Mr. Frazier is appealing the scope of redactions on a police report that restrict persons contacted and persons voluntarily contacted the police.			
<b>2016-37</b>	<b>Mark Allen vs. Utah County Commission (Appealed 18 Appeal)</b>		<b>Hearing scheduled June 09, 2016</b>
Mr. Allen, on behalf of Protect and Preserve American Fork Canyon, is appealing access denial to government employee emails.			
<b>2016-39</b>	<b>Wendell Thayne vs. Price City Police Department (Appealed 26 April)</b>		<b>Hearing scheduled June 09, 2016</b>
Mr. Thayne is appealing access denial to incident reports, probable cause statements, video and/or audio recordings, arrest and/or search warrant affidavits relating to the 9/8/2015 arrest of Mr. Bowman by Price P.D. and Carbon Metro T.F.			
<b>2016-38</b>	<b>Clarence Branch vs. Davis County Sheriff's Office (Appealed 20 April)</b>	<b>Telephonic Draper</b>	<b>Hearing scheduled June 09, 2016</b>
Mr. Branch is appealing denial to records regarding Case No. 04-3542 and 04-5528. The County's decision is the records are prepared, owned and retained at North Salt Lake City.			
<b>2016-42</b>	<b>Patrick Sullivan vs. Utah Department of Corrections (Appealed 4 May)</b>	<b>Telephonic Draper</b>	<b>Hearing scheduled July 14, 2016</b>
Mr. Sullivan is appealing the claim of extraordinary circumstance and the time frame UDC has implemented to complete the request and subsequent request.			
<b>2016-35</b>	<b>Daniel Ortiz vs. Utah Department of Corrections (Appealed 13 April)</b>	<b>Telephonic Draper</b>	<b>Hearing scheduled July 14, 2016</b>
Mr. Ortiz is appealing a fee waiver denial for all Incident Reports regarding him from July 2015-February 2016. He does not meet the indigent status.			
<b>2015-53a</b>	<b>Roger Bryner vs. Clearfield City (Remand 9 May 2016)</b>	<b>Telephonic</b>	<b>Hearing scheduled June 09, 2016</b>
The 2 <sup>nd</sup> District Court determined Mr. Bryner's record request has not been fully addressed at the Records Committee level, the Court has referred it back to proceedings at the Records Committee level. The Court will retain jurisdiction.			

## May 2016 State Records Committee Case Updates

### District Court Cases

**Bryner v. City of Clearfield**, 2nd District, Davis County, Judge Connors, Case No. 160700423, filed April 27, 2016.

**Current Disposition:** Answer to be filed on behalf of the Committee shortly. Case involves request for documents related to the appointment of Clearfield Justice Court Judges. Notice of Compliance filed by Clearfield City, but an appeal was still filed by Mr. Bryner.

**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:** Motion to dismiss filed with Court on May 11, 2016.

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

**Current Disposition:** Motion filed by Utah County to quash service of process for failure to perform service as required by civil rules. Answer filed on behalf of Committee on April 4, 2016.

**Bryner v. City of Clearfield**, 2<sup>nd</sup> District, Davis County, Judge Morris, Case No. 150701062, filed October 20, 2015.

**Current Disposition:** Case remanded to the Committee for further proceedings regarding whether Mr. Bryner should have access to records responsive to his records request.

**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:** Motion for Summary Judgment filed on behalf of Department of Public Safety on May 4, 2016.

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

**Current Disposition:** Case transferred to Judge Petersen. Oral argument on motions for disposition of case set for June 30, 2016.

**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:** Motion to Quash service was denied by trial court, and an Answer was filed by Corrections on April 18, 2016. Motion to file an amended complaint filed by Mr. Baker on May 6, 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**, Utah Court of Appeals, Case No. 20160098.

**Current Disposition:** Case currently before the Court of Appeals. A request to file a transcript of the trial has been filed.