

STATE RECORDS COMMITTEE

NOTICE OF PUBLIC MEETING

Thursday, June 9, 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:

Roger Bryner vs. Clearfield City: The 2nd District Court remanded this case back to the Committee. Telephonic.

Patrick Sullivan vs. University of Utah, Medical Center: appealing fee waiver denial and records access to emails and names of all orthopedic surgeons/residents who worked the Prison Telemed Clinic. Telephonic.

WITHDRAWN/POSTPONED HEARINGS:

Alba & Noemi Cruz vs. Department of Human Services, Division of Aging and Adult Services: appealing partial access denial to a record that contains the referent's name in the Division of Aging and Adult Services (DAAS) system. (Appeal postponed).

Wendell Thayne vs. Price City Police Department: 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 Bowman by Price P.D. and Carbon Metro T.F. (Appeal withdrawn).

Patrick Sullivan vs. Attorney General's Office: appealing the Attorney General's Office decision to not search Google Vault for responsive emails. (Continuance) (Appeal postponed).

Clarence Branch vs. Davis County Sheriff's Office: appealing access denial to records regarding Case No. 04-3542 and 04-5528. Telephonic. (Appeal postponed).

Michael Clara vs. Utah Transit Authority (UTA): appealing fee waiver denial and records access. (Appeal postponed).

BUSINESS

Approval of May 11 and 12, 2016, SRC Minutes, action item

Retention Schedules, action item

SRC appeals received

Cases in District Court

Other Business

Next meeting scheduled for July 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 COMMISSION
As of June 2016

Appeals Request No.	Case Title/ Participants	Records Sought	Notes	Status
2016-34	Daniel Ortiz vs. Utah Department of Corrections (Appealed 13 April)		Telephonic Draper	Hearing denied previous decision and order
	Mr. Ortiz is appealing access to denial to his medical/mental health records from 2004-present day. The Chair and second Committee member reviewed determined the subject of the appeal has been found by the committee in a previous hearing involving the same governmental entity to be appropriate classified as private, controlled, or protected under U.C. 63G-2-403(4)(b)(i). See Decision and Order, Watkins v. UDC, Case No. 99-02. http://archives.utah.gov/src/srcappeal-1999-02.html			
2016-40	Raymond Valdez vs Utah Department of Corrections (Appealed 27 April)		Telephonic Gunnison	Hearing denied previous decision and order
	Mr. Valdez is appealing access denial to his Mental Health notes and Evaluation. The Chair and second Committee member reviewed determined the subject of the appeal has been found by the committee in a previous hearing involving the same governmental entity to be appropriate classified as private, controlled, or protected under U.C. 63G-2-403(4)(b)(i). See Decision and Order, Watkins v. UDC, Case No. 99-02. http://archives.utah.gov/src/srcappeal-1999-02.html			
2016-43	Kevin Berry vs. Utah Department of Corrections (Appealed 5 May)		Telephonic Draper	Pending Review
	Mr. Berry is appealing partial access denial to his psychological evaluations, all medications prescribed, housing units staff comments, clinical evaluations, therapists comments & notes, communications AGO to UDC staff from June 1992 to February 2016. All documents provided pending review.			
2016-47	Al Coggeshell vs. Utah Department of Corrections (Appealed 26 May)		Telephonic Draper	Pending Review
	Mr. Coggeshell is appealing access denial to records related to Incident Report #307342. Petitioner did not file a notice of appeal with the ex. Sec. no later than 30 days after the date of issuance of the decision being appealed (April 19, 2016) U.C. 63G-2-403(1)(a). The appeal is untimely to the ex. Sec. by 7 days (received May 26, 2016).			

2016-49	Reginald Williams vs. Attorney General's Office (Appealed 31 May)	Telephonic Gunnison	Incomplete
	Mr. Williams is appealing access denial to records. Missing initial GRAMA request and governmental entity denial letter.		
2016-51	Harshad P. Desai vs. Panguitch City (Appealed 3 June)		Incomplete
	Mr. Desai is appealing access denial to public official's education and experience. Missing CAO denial letter.		
2016-52	Harshad P. Desai vs. Garfield County (Appealed 3 June)		Incomplete
	Mr. Desai is appealing access denial to public official's education and experience. Did not appeal to the CAO.		
2016-53	Reginald Williams vs. Utah Department of Corrections (Appealed 7 June)	Telephonic Gunnison	Incomplete
	Mr. Williams is appealing redactions to records classified private and protected. Missing initial GRAMA request.		
2015-53a	Roger Bryner vs. Clearfield City (Remand 9 May 2016)	Telephonic	Hearing scheduled June 09, 2016
	The 2 nd 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.		
2016-08a	Patrick Sullivan vs. Attorney General's Office (Continuance)	Telephonic Draper	Hearing rescheduled August 11, 2016
	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.		
2016-17	Patrick Sullivan vs. University of Utah, Medical Center (Appealed 4 April)	Telephonic Draper	Hearing rescheduled June 09, 2016
	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. The parties are in mediation.		

2016-31	Alba & Noemi Cruz vs. Department of Human Services, Division of Aging and Adult Services (Appealed 5 April)		Hearing rescheduled September 8, 2016
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.			
2016-33	Colby Frazier, Salt Lake City Weekly vs. Salt Lake City Police Department (Appealed 7 April)		Appeal withdrawn
Mr. Frazier is appealing the scope of redactions on a police report that restrict persons contacted and persons voluntarily contacted the police. The records dispute resolved through mediation.			
2016-39	Wendell Thayne vs. Price City Police Department (Appealed 26 April)		Appeal withdrawn
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.			
2016-38	Clarence Branch vs. Davis County Sheriff's Office (Appealed 20 April)	Telephonic Draper	Hearing rescheduled August 11, 2016
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.			
2016-45	Michael Clara vs. Utah Transit Authority (UTA) (Appealed 16 May)		Hearing rescheduled August 11, 2016
Mr. Clara is appealing fee waiver denial and records access.			
2016-05	Thomas Cross vs Department of Human Services, Division of Child and Family Services (DCFS) (Appealed 15 January)		Hearing rescheduled July 14, 2016
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.			
2016-22	Roger Bryner vs. Utah Department of Health (Appealed 14 March)	Telephonic	Hearing rescheduled July 14, 2016
Mr. Bryner is appealing a fee waiver and access denial to database summary.			

2016-26	Roger Bryner vs. Utah Department of Technology Services (DTS) (Appealed 24 March)	Telephonic	Hearing rescheduled July 14, 2016
Mr. Bryner is appealing a fee waiver and access denial to database summary. This appeal is related to Appeal Req. #2016-22.			
2016-29	Angela H. Elmore, on behalf of Trenton Mellen v. Salt Lake City Corporation (Appealed 1 April)	Continuance	Hearing rescheduled July 14, 2016
Ms. Elmore is appealing SLC classification of emails, collection methods and results, pertaining to her client's case. Continuance.			
2016-37	Mark Allen vs. Utah County Commission (Appealed 18 Appeal)		Hearing rescheduled July 14, 2016
Mr. Allen, on behalf of Protect and Preserve American Fork Canyon, is appealing access denial to government employee emails.			
2016-42	Patrick Sullivan vs. Utah Department of Corrections (Appealed 4 May)	Telephonic Draper	Hearing scheduled July 14, 2016
Mr. Sullivan is appealing the claim of extraordinary circumstance and the time frame UDC has implemented to complete the request and subsequent request.			
2016-35	Daniel Ortiz vs. Utah Department of Corrections (Appealed 13 April)	Telephonic Draper	Hearing scheduled July 14, 2016
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.			
2016-46	Jason Jensen, behalf of Lewine Mary Tapia vs. Salt Lake City Police Department (Appealed 18 May)		Hearing scheduled July 14, 2016
Mr. Jensen, on behalf of the Tapia family, is appealing access denial to incident reports for a 1998 case.			
2016-44	Gage Fisher vs. Utah Department of Human Services, DCFS (Appealed 11 May)		Hearing scheduled July 14, 2016
Mr Fisher, represented by Skordas, Caston & Hyde, LLC., is appealing the partial denial to responsive records for Case No. 2205039.			
2016-48	EMH Transportation vs. Utah Department of Public Safety (Appealed 27 May)		Hearing scheduled July 14, 2016
Mr. Denny, on behalf of EMH Transportation, is appealing access denial to an accident report.			

2016-50	Patrick Sullivan vs. University of Utah (Appealed 2 June)	Telephonic Draper	Hearing scheduled August 11, 2016
Mr. Sullivan is appealing a fee waiver denial for emails that he is the subject of the records.			

June 2016 State Records Committee Case Updates

District Court Cases

Bryner v. Utah Dept. of Health et. al., 3rd District, Salt Lake County, Judge Gardner, Case No. 160903244, filed May 23, 2016.

Current Disposition: No service yet on any defendants (Dept. of Health, Dept. of Technology Services, State of Utah, Patricia Smith-Mansfield, Preston Fretas, Matt Slawson, Rosemary Cundiff, Nova Dubovik, State Records Committee). Mr. Bryner filed a request to waive filing fees on May 23, 2016, but then filed a request for an extraordinary writ of mandamus in the Utah Supreme Court against Judge Gardner and Judge Maughan regarding the fee waiver request. Supreme Court case will be handled by the Administrative Office of the Court. Other matters may be on hold until resolution of Supreme Court case.

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

Current Disposition: Motion for Summary Judgment filed by Clearfield City on June 8, 2016. Motion for a scheduling conference and order to set a trial date filed by Mr. Bryner on June 8, 2016.

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

Current Disposition: ~~Case dismissed May 16, 2016.~~

Ramon Somoza v. Utah County Comm., 4th 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. Notice to submit Motion to Quash and dismissal of case filed by Utah County on May 24, 2016.

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

Current Disposition: Case remanded to the Committee for further proceedings. Hearing to be held by the Committee on June 9, 2016. Numerous motions filed by Mr. Bryner.

Paul Armann v. Utah Dept. of Human Resources, 3rd 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.

Sven Heimberg v. Utah Dept. of Public Safety, 3rd 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. Memorandum opposing Motion for Summary Judgment filed by Mr. Heimberg on May 25, 2016, and also a motion for a continuance for further fact finding.

Utah Attorney General v. Salt Lake Tribune, 3rd 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 July 5, 2016.

Robert Baker v. Utah Dept. of Corrections, 3rd 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. Corrections filed a Memorandum opposing Motion to file an amended complaint on May 20, 2016.

Utah Dept. of Human Resources v. Paul Amann, 3rd 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.