

**STATE RECORDS COMMITTEE**

**NOTICE OF PUBLIC MEETING**

**Thursday, July 14, 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:**

**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. Continuance.

**Mark Allen vs. Utah County Commission:** Mr. Allen, on behalf of Protect and Preserve American Fork Canyon, is appealing access denial to government employee emails.

**Daniel Ortiz vs. Utah Department of Corrections:** Mr. Ortiz is appealing a fee waiver denial for all Incident Reports regarding him from July 2015-February 2016. Telephonic.

**Roger Bryner vs. Utah Department of Health:** Mr. Bryner is appealing a fee waiver and access denial to database summary. Telephonic.

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

**WITHDRAWN/POSTPONED HEARINGS:**

**Gage Fisher vs. Utah Department of Human Services, DCFS:** Mr. Fisher, represented by Skordas, Caston & Hyde, LLC., is appealing the partial denial to responsive records for Case No. 2205039. (Appeal withdrawn).

**Patrick Sullivan vs. Utah Department of Corrections:** Mr. Sullivan is appealing the claim of extraordinary circumstance and the time frame UDC has implemented to complete the request and subsequent request. Telephonic. (Continuance).

## **BUSINESS**

**Approval of June 9, 2016, SRC Minutes, action item**

**Retention Schedules, action item**

**SRC appeals received**

**Cases in District Court**

**Other Business**

**Next meeting scheduled for August 11, 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 10/1/2016

Appeals Request No.	Case Title/ Participants	Records Sought	Notes	Status
<b>Withdrawn, Denied, Incomplete, Pending Review</b>				
2016-47	Al Coggeshell vs. Utah Department of Corrections (Appealed 26 May)		Telephonic Draper	Hearing denied-untimely
<p>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).</p> <p>On June 29, 2016, Mr. Coggeshell requested a Motion for Reconsideration. There is no provision for the Committee to reconsider a decision and/or order per U.C. 63G-2-104 and U.C. 63G-4-102(2)(p). On July 1, 2016, the executive secretary sent out the response.</p> <p>On July 8, 2016, the executive secretary received another letter from Mr. Coggeshell (dated July 1<sup>st</sup>) stating that he had not received a response to the motion for reconsideration and is requesting a filing extension for another appeal that was due to the Committee on July 3rd. On July 8, 2016, the executive secretary resent the July 1<sup>st</sup> response and follow-up response.</p>				
2016-49	Reginald Williams vs. Attorney General's Office (Appealed 31 May)		Telephonic Gunnison	Incomplete
<p>Mr. Williams is appealing access denial to records. Missing initial GRAMA request and governmental entity denial letter.</p>				
2016-52	Harshad P. Desai vs. Garfield County (Appealed 3 June)			Incomplete
<p>Mr. Desai is appealing access denial to public official's education and experience. Did not appeal to the CAO.</p>				
2016-55	Matthew Piper, Salt Lake Tribune vs. Brigham Young University Police Department (Appealed 13 June)			Outside Jurisdiction
<p>Mr. Piper is appealing access denial to emails between the agency and university staff. Brigham Young University Policed Department is a private entity and does not fall under U.C. 63G-2-</p>				
2016-57	Mark Shenefelt, Standard-Examiner vs. Ogden City Police Department (Appealed 16 June)			Incomplete
<p>Mr. Shenefelt is appealing a partial denial for a supplemental report to an Initial Contact Report. The appeal process has not been exhausted. The petitioner has been referred to appeal the CAO decision to the Ogden City Records Review Board as stated in the decision.</p>				

2016-58	<b>Harshad P. Desai vs. Utah Tax Commission (Appealed 29 June)</b>		Incomplete
Mr. Desai is appealing an access denial to tax revenue records. Missing chief administrative officer's decision.			
2016-62	<b>Donald Ashmore vs. Utah Board of Pardons and Parole (Appealed 11 July)</b>	Telephonic Beaver County Jail	Incomplete
Mr. Ashmore is appealing access to photographs he submitted to Board of Pardons and Parole. He was provided information on how to file a GRAMA request and an appeal to the agency.			
<b>SCHEDULED HEARINGS</b>			
2016-08a	<b>Patrick Sullivan vs. Attorney General's Office (Continuance)</b>	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.			
2016-17a	<b>Patrick Sullivan vs. University of Utah, Medical Center (Appealed 4 April) (Continuance)</b>	Telephonic Draper	Hearing rescheduled August 11, 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.			
2016-38	<b>Clarence Branch vs. Davis County Sheriff's Office (Appealed 20 April)</b>	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.			

<b>2016-45</b>	<b>Michael Clara vs. Utah Transit Authority (UTA) (Appealed 16 May)</b>		<b>Hearing rescheduled August 11, 2016</b>
Mr. Clara is appealing fee waiver denial and records access.			
<b>2016-22</b>	<b>Roger Bryner vs. Utah Department of Health (Appealed 14 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.			
<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>2016-29a</b>	<b>Angela H. Elmore, on behalf of Trenton Mellen v. Salt Lake City Corporation (Appealed 1 April)</b>	<b>Continuance</b>	<b>Hearing rescheduled July 14, 2016</b>
Ms. Elmore is appealing SLC classification of emails, collection methods and results, pertaining to her client's case. Continuance.			
<b>2016-37</b>	<b>Mark Allen vs. Utah County Commission (Appealed 18 April)</b>		<b>Hearing rescheduled July 14, 2016</b>
Mr. Allen, on behalf of Protect and Preserve American Fork Canyon, is appealing access denial to government employee emails.			
<b>2016-42</b>	<b>Patrick Sullivan vs. Utah Department of Corrections (Appealed 4 May)</b>	<b>Telephonic Draper</b>	<b>Hearing rescheduled September 8, 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>2016-46</b>	<b>Jason Jensen, behalf of Lewine Mary Tapia vs. Salt Lake City Police Department (Appealed 18 May)</b>		<b>Hearing rescheduled September 8, 2016</b>
Mr. Jensen, on behalf of the Tapia family, is appealing access denial to incident reports for a 1998 case.			

<b>2016-44</b>	<b>Gage Fisher vs. Utah Department of Human Services, DCFS (Appealed 11 May)</b>		<b>Appeal withdrawn</b>
Mr. Fisher, represented by Skordas, Caston & Hyde, LLC., is appealing the partial denial to responsive records for Case No. 2205039.			
<b>2016-50</b>	<b>Patrick Sullivan vs. University of Utah (Appealed 2 June)</b>	<b>Telephonic Draper</b>	<b>Hearing scheduled August 11, 2016</b>
Mr. Sullivan is appealing a fee waiver denial for emails that he is the subject of the records.			
<b>2016-43</b>	<b>Kevin Berry vs. Utah Department of Corrections (Appealed 5 May)</b>	<b>Telephonic Draper</b>	<b>Hearing scheduled August 11, 2016</b>
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.			
<b>2016-53</b>	<b>Reginald Williams vs. Utah Department of Corrections (Appealed 7 June)</b>	<b>Telephonic Gunnison</b>	<b>Hearing scheduled August 11, 2016</b>
Mr. Williams is appealing redactions to records classified private and protected.			
<b>2016-51</b>	<b>Harshad P. Desai vs. Panguitch City (Appealed 3 June)</b>		<b>Hearing scheduled August 11, 2016</b>
Mr. Desai is appealing access denial to public official's education and experience.			
<b>2016-60</b>	<b>Harshad P. Desai vs. Panguitch City (Appealed 8 July)</b>		<b>Hearing scheduled August 11, 2016</b>
Mr. Desai is appealing access denial to a record that the city does not maintain regarding "total population of Panguitch area in 30 mile radius." Appeals 16-51 & 16-60 are combined.			
<b>2016-59</b>	<b>Roberto Hernandez, on behalf of Pedro Espejel vs. Utah Department of Public Safety (Appealed 1 July)</b>		<b>Hearing scheduled August 11, 2016</b>
Mr. Hernandez, on behalf of his client, is appealing access denial to an accident report.			
<b>2016-56</b>	<b>James J. Duran vs. Department of Human Services, Division of Child and Family Services (Appealed 13 June)</b>	<b>Telephonic Federal Prison Camp, CO.</b>	<b>Hearing scheduled September 8, 2016</b>
Mr. Duran is appealing access denial to an Incident Report and photographs from Millcreek Youth Center.			

<b>2016-54</b>	<b>Marian Seamons vs. Ticeboo Utility Improvement District (Appealed 9 June)</b>		<b>Hearing scheduled September 8, 2016</b>
Ms. Seamons is appealing access denial to records that Ticeboo Utility Improvement District stated it does not possess.			
<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 rescheduled September 8, 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>2016-61</b>	<b>Chad Lambourne vs. Southern Utah University (SUU) Police Department (Appealed 11 July)</b>		<b>Hearing scheduled September 8, 2016</b>
Mr. Lambourne is appealing denial of records under GRAMA by the SUU Police Department.			
<b>Notice of Compliance or Notice of Intent to Appeal</b>			
<b>Decision &amp; Order</b>	<b>Case Title/ Participants</b>	<b>Due</b>	<b>Intent</b>
16-18	Bryan Thatcher vs. Utah Department of Public Safety	June 22, 2016	LOC/ Petitioner Appealed
16-19	Utah Rivers Council vs. Washington County Water Conservancy District	June 22, 2016	LOC
16-21	Nate Carlisle, Salt Lake Tribune vs. Utah Attorney General's Office	June 22, 2016	LOC

## July 2016 State Records Committee Case Updates

### District Court Cases

**Salt Lake Tribune v. Utah State Records Committee**, 3<sup>rd</sup> District, Salt Lake County, Judge Harris, Case No. 160904365, filed July 12, 2016.

**Current Disposition:** Appeal filed with Committee against Brigham Young University Police. Appeal was dismissed because BYU Police is not considered a “governmental entity” under GRAMA. Complaint filed in Court alleging that BYU Police is subject to GRAMA.

**Bryan Thatcher v. Utah Dept. of Public Safety**, 3<sup>rd</sup> District, Salt Lake County, Judge Kouris, Case No. 160903910, filed June 20, 2016.

**Current Disposition:** Answer filed by Department of Public Safety on June 11, 2016, answer to be filed by Committee shortly.

**Roger Bryner v. Utah Dept. of Health et. al.**, 3<sup>rd</sup> 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). Petition for an Extraordinary Writ from the Court of Appeals was denied on June 20, 2016 regarding request to waive fees. Request to waive fees was granted by trial court on June 13, 2016.

**Roger 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 Summary Disposition filed by Mr. Bryner on June 9, 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. Oral argument on Motion to Quash and Dismiss scheduled for August 30, 2016.

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

**Current Disposition:** Committee issued decision from June 9, 2016 remand hearing. Court issued decision denying Mr. Bryner’s Motion to Recuse Judge Morris from the case.

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

**Current Disposition:** Court found in favor of the Utah Attorney General's Office, keeping requested records non-public, relying upon affidavit from FBI agent who stated that release of the records would interfere with current ongoing investigation of Sherriff Noel.

**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:** July 6, 2016 Motion for Summary Judgment filed by Mr. Baker.

**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.

**William Sherratt v. Utah Dept. of Corrections**, 6<sup>th</sup> District, Sanpete County, Case No. 140600023, filed April 23, 2014.

**Current Disposition:** Decision from Utah Court of Appeals (2016 UT App 68) on April 7, 2016, reversing decision of trial court improperly dismissing appeal filed by Mr. Sherratt from a decision by the State Records Committee to not hold a hearing. Respondents have been served and an Answer will be filed on behalf of the Committee.

### **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.

SCHEDULE 14  
COUNTY CLERK RECORDS

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14-46. PETITION SIGNATURE RECORDS

These records are petition signature sheets signed by individuals wishing to add a candidate or initiatives to the election ballot. Signatures are verified to determine whether petitioners are registered voters.

RETENTION

22 months

DISPOSITION

Destroy

14-47. SUBMITTED PETITION RECORDS

These records are formal petitions submitted to the county legislative body proposing action. The legislative body submits the petition to legal voters in general or special election. Information may include signature totals, designated sponsors, actions of the legislative body, and related records.

RETENTION *Permanent*

~~5 years after resolution of issue~~

DISPOSITION

May Transfer Archives *5 years after resolution*

28897 - Cancelled  
for Review

**STATE AGENCIES**

1661103-7788  
c. 1951

# Utah State Archives

**Parent Agency:** Alcoholic Beverage Commission  
Alcoholic Beverage Control

**Agency:** Department of Alcoholic Beverage Control (4)  
1625 South 900 West  
P.O. Box 30408  
Salt Lake City, UT 84130  
801-977-6800

**Records Officer** Sarah Thomson

**AGENCY:** Department of Alcoholic Beverage Control

**SERIES:** 9155

2

**TITLE:** Licensee violation files

**DATES:** 1980-

**ARRANGEMENT:** Chronological, thereunder alphabetical by licensee surname.

**ANNUAL ACCUMULATION:** 0.50 cubic feet.

**DESCRIPTION:**

These records support the agency's function to regulate the sale, service, storage, manufacture, distribution, and consumption of alcoholic products. Records document investigations and actions taken against licensees, permittees, and individuals that did not comply with state liquor laws and ensure that individuals found in violation are never issued another license (Utah Code 32B-1-203(2)(2011)). Records may include information on hearings, police reports, notices of action taken, letters of settlement, licensee responses, correspondence, and related records.

**RETENTION:**

Retain 75 years after final action.

**DISPOSITION:**

Destroy.

**FORMAT MANAGEMENT:**

Paper: Retain in Office for 3 years after final action and then transfer to State Records Center. Retain in State Records Center for 72 years and then destroy.

Computer data files: Retain in Office until administrative need is met and then delete.

**APPRAISAL:**

Administrative

**PRIMARY DESIGNATION:**

Public

**AGENCY:** Department of Alcoholic Beverage Control

**SERIES:** 9155

**TITLE:** Licensee violation files

(continued)

**SECONDARY DESIGNATION(S):**

Protected.	Utah Code 63G-2-305(10)(2015)
Private.	Utah Code 63G-2-302(2)(d)(2016)

# Utah State Archives

**Parent Agency:** Administrative Services  
Archives

**Agency:** Department of Administrative Services. Division of Archives and  
Records Service (11)  
346 S Rio Grande  
P.O. Box 141021  
Salt Lake City, UT 84114-1021  
801-531-3848

**Records Officer** Alan Barnett

# Utah State Archives

Page: 1

**AGENCY:** Department of Administrative Services, Division of Archives and Records Service

**SERIES:** 7338

2

**TITLE:** Reformatting records

**DATES:** 1983-

**ARRANGEMENT:** None

**ANNUAL ACCUMULATION:**

**DESCRIPTION:**

The agency provides information, advice, and reformatting services in order to ensure that records are preserved and accessible in the future. These records document reformatting processes and may include work orders, log sheets, completion notifications, camera operator certificates, and related correspondence.

**RETENTION:**

Retain 7 years.

**DISPOSITION:**

Destroy.

**FORMAT MANAGEMENT:**

Paper: Retain in Office for 7 years and then destroy.

Computer data files: Retain in Office for 7 years and then delete.

**APPRAISAL:**

Administrative

**PRIMARY DESIGNATION:**

Public



# Utah State Archives

**Parent Agency:**

**Agency:** Department of Technology Services (1922)

1 State Office Building, FL 6  
Salt Lake City, UT 84114

**Records Officer** Stephanie Weiss

**AGENCY:** Department of Technology Services

**SERIES:** 83970

2

**TITLE:** Policies and procedures manuals

**DATES:** 1976-

**ARRANGEMENT:** chronological

**ANNUAL ACCUMULATION:**

**DESCRIPTION:**

These records support the agency's function to to provide consistent quality technology to partner agencies through the documentation and dissemination of the agency's policies and procedures. Records include program descriptions and approved manuals.

**RETENTION:**

Retain until superseded.

**DISPOSITION:**

Transfer to the State Archives permanently.

**FORMAT MANAGEMENT:**

Paper: Retain in Office until superseded and then transfer to State Archives.

Computer data files: Retain in Office until superseded and then transfer to State Archives with authority to weed.

**APPRAISAL:**

Administrative Historical

These records are considered historical as they document the executive policies and procedures implemented by the agency.

**PRIMARY DESIGNATION:**

Public

## Utah State Archives

**Parent Agency:**

**Agency:** Department of Workforce Services (2750)

140 East 300 South  
Salt Lake City, UT 84111

**Records Officer** Kent Naisbitt

*Cancelled*

**AGENCY:** Department of Workforce Services

**SERIES:** 28897

2

**TITLE:** Administrative Services grant and contract records

**DATES:** 1997-

**ARRANGEMENT:** Chronologically, thereunder alphabetically by grant name.

**ANNUAL ACCUMULATION:**

**DESCRIPTION:**

These records support the agency's function to support the economic stability and quality of its workforce by providing a large variety of programs. Records document agreements to expend federal and state funds allocated for programs such as those that supply financial, child care, food, and training support. Information includes applications, contracts, memorandums of agreement, project reports, related records, as well as the unsuccessful applications and requests for proposals.

**RETENTION:**

Retain 5 years after final action.

**DISPOSITION:**

Destroy.

**FORMAT MANAGEMENT:**

Paper: Retain in Office for 1 year and then transfer to State Records Center. Retain in State Records Center for 4 years and then destroy.

Computer data files: Retain in Office for 5 years and then delete.

**APPRAISAL:**

Administrative Fiscal

**PRIMARY DESIGNATION:**

Public

UTAH STATE ARCHIVES AND RECORDS SERVICE  
RETENTION SCHEDULE AND CLASSIFICATION REVIEW

JUNE 10, 2016

AGENCIES SUBMITTING RECORD SERIES

AGENCY  
NUMBER OF  
RECORD SERIES

STATE AGENCIES

Alcoholic Beverage Commission  
Alcoholic Beverage Control. . . . . 1

Administrative Services  
Archives and Records Service. . . . . 1

Technology Services Dept.. . . . . 1

Workforce Services. . . . . 1

TOTAL RECORD SERIES SCHEDULED:	4	
TOTAL VOLUME:	0.00	CUBIC FEET
TOTAL ANNUAL ACCUMULATION:	0.50	CUBIC FEET

I have read the enclosed record series and concur with proposed retentions and dispositions, except for any noted substantive changes.

\_\_\_\_\_  
State Records Committee Member

\_\_\_\_\_  
Date

