

STATE RECORDS COMMITTEE

NOTICE OF PUBLIC MEETING

Thursday, August 11, 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:

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

Patrick Sullivan vs. University of Utah, Medical Center: Mr. Sullivan is appealing a fee waiver denial for emails that he is the subject of the records. Telephonic.

Kevin Berry vs. Utah Department of Corrections: 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. Telephonic.

Reginald Williams vs. Utah Department of Corrections: Mr. Williams is appealing redactions to records classified private and protected. Telephonic.

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

Harshad P. Desai vs. Panguitch City: Mr. Desai is appealing access denial to public official's education and experience.

Harshad P. Desai vs. Panguitch City: 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."

WITHDRAWN/POSTPONED HEARINGS:

Roberto Hernandez, on behalf of Pedro Espejel vs. Utah Department of Public Safety: Mr. Hernandez is appealing access denial to an accident report. Appeal withdrawn.

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. Continuance. Telephonic. Appeal withdrawn.

BUSINESS

Approval of July 14, 2016, SRC Minutes, action item

Retention Schedules, action item

SRC appeals received

Cases in District Court

Other Business

Next meeting scheduled for September 8, 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 August 2016

Appeals Request No.	Case Title/ Participants	Records Sought	Notes	Status
2016-57	Withdrawn, Denied, Incomplete, Pending Review			
	Mark Shenefelt, Standard-Examiner vs. Ogden City Police Department (Appealed 16 June)			
	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.			
2016-58	Harshad P. Desai vs. Utah Tax Commission (Appealed 29 June)			
	Mr. Desai is appealing an access denial to tax revenue records. Missing chief administrative officer's decision.			
2016-62	Donald Ashmore vs. Utah Board of Pardons and Parole (Appealed 11 July)			
	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.			
2016-68	Carl G. Lee vs. Utah Department of Commerce (Appealed 21 July)			
	Mr. Lee is appealing access denial of records. The appeal is missing initial GRAMA request, governmental entity decision, and CAO decision.			
SCHEDULED HEARINGS				
2016-08a	Patrick Sullivan vs. Attorney General's Office (Appealed 4 February)			
	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	Patrick Sullivan vs. University of Utah, Medical Center (Appealed 4 April) (Continuance)	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.			
2016-45	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.			
2016-42	Patrick Sullivan vs. Utah Department of Corrections (Appealed 4 May)	Telephonic Draper	Hearing rescheduled September 8, 2016
Mr. Sullivan is appealing the claim of extraordinary circumstance and the time frame UDC has implemented to complete the request and subsequent request.			
2016-46	Jason Jensen, behalf of Lewine Mary Tapia vs. Salt Lake City Police Department (Appealed 18 May)		Hearing rescheduled September 8, 2016
Mr. Jensen, on behalf of the Tapia family, is appealing access denial to incident reports for a 1998 case.			
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.			
2016-43	Kevin Berry vs. Utah Department of Corrections (Appealed 5 May)	Telephonic Draper	Hearing rescheduled August 11, 2016
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.			
2016-53	Reginald Williams vs. Utah Department of Corrections (Appealed 7 June)	Telephonic Gunnison	Hearing scheduled August 11, 2016
Mr. Williams is appealing redactions to records classified private and protected.			
2016-51	Harshad P. Desai vs. Panguitch City (Appealed 3 June)		Hearing scheduled August 11, 2016
Mr. Desai is appealing access denial to public official's education and experience.			

2016-60	Harshad P. Desai vs. Panguitch City (Appealed 8 July)		Hearing scheduled August 11, 2016
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.			
2016-59	Roberto Hernandez, on behalf of Pedro Espejel vs. Utah Department of Public Safety (Appealed 1 July)		Appeal withdrawn
Mr. Hernandez, on behalf of his client, is appealing access denial to an accident report.			
2016-56	James J. Duran vs. Department of Human Services, Division of Child and Family Services (Appealed 13 June)	Telephonic Federal Prison Camp, CO.	Hearing scheduled September 8, 2016
Mr. Duran is appealing access denial to an Incident Report and photographs from Millcreek Youth Center.			
2016-54	Marian Seamons vs. Ticaboo Utility Improvement District (Appealed 9 June)		Hearing scheduled September 8, 2016
Ms. Seamons is appealing access denial to records that Ticaboo Utility Improvement District stated it does not possess.			
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.			
2016-61	Chad Lambourne vs. Southern Utah University (SUU) Police Department (Appealed 11 July)		Hearing scheduled September 8, 2016
Mr. Lambourne is appealing denial of records under GRAMA by the SUU Police Department.			
2016-63	Jessica Miller, Salt Lake Tribune vs. Orem City Police Department (Appealed 12 July)		Hearing scheduled September 8, 2016
The Salt Lake Tribune is appeal access denial to the Spillman Case Access Logs for any sexual-related criminal investigation by Orem Police Department that was accessed by any employee of Brigham Young University, including its police department, from January 2010 to present.			
2016-64	Jessica Miller, Salt Lake Tribune vs. Provo City Police Department (Appealed 12 July)		Hearing scheduled September 8, 2016
The Salt Lake Tribune is appealing access denial to the Spillman Case Access Logs for any sexual-related criminal investigation by Provo Police Department that was accessed by any employee of Brigham Young University, including its police department, from January 2010 to present.			

2016-65	Roger Bryner vs. Clearfield City (Appealed 14 July)	Telephonic	Hearing scheduled September 8, 2016
	Mr. Bryner is appealing multiple records access denials ranging from fax logs to emails correspondences from June 2015-present.		
2016-66	Helen Redd vs. Utah Attorney General's Office (Appealed 14 July)		Hearing scheduled September 8, 2016
	Ms. Redd is appealing the Attorney General's claim of extraordinary circumstances.		
2016-67	Jessica Miller, Salt Lake Tribune vs. Attorney General's Office (Appealed 18 July)		Hearing scheduled October 13, 2016
	The <i>Salt Lake Tribune</i> is appealing access denial to "[a]ll records, including search warrant affidavits, involving the criminal investigation of 46-year-old Chad Platt."		
2016-70	Susan Mathiesen vs. Utah Department of Public Safety, Bureau of Criminal Identification (BCI) (Appeal 1 August)		Hearing scheduled October 13, 2016
	Ms. Johnson, on behalf of Susan Mathiesen, is requesting Wilma Johnson Brown's (mother) Criminal History Records. Ms. Brown disappeared in 1943 and has not been heard from since.		
2016-71	Alex Stuckey, Salt Lake Tribune vs. Utah State University (Appealed 1 August)		Hearing scheduled October 13, 2016
	Ms. Stuckey is appealing access denial to "any and all correspondence mentioning Torrey Green from 2009 to present" among specified staff and police departments.		
2016-72	Alex Stuckey, Salt Lake Tribune vs. Cedar City Police Department (Appealed 1 August)		Hearing scheduled October 13, 2016
	Ms. Stuckey is appealing the Cedar City Police Departments decision not to release the "police reports or investigation records that mention Daniel Melifonwu from 2010 to present."		
2016-69	Brent Poll vs. Davis County Commission (Appealed 27 July)		Hearing scheduled October 13, 2016
	Mr. Poll is appealing access denial to records. The County stated the GRAMA appeal does not identify the records with "reasonable specificity."		

2016-73	Nicole Vowell, KSL 5 TV vs. Utah Attorney General's Office		Hearing scheduled October 13, 2016
Ms. Vowell is appealing access denial to "[a]ll search warrant affidavits issued by the AGO and/or the internet Crimes Against Children taskforce involving Chad Platt, Salt Lake County Prosecutor."			
2016-74	Advanced Lighting Illuminating Solutions vs. Park City School District		Hearing scheduled October 13, 2016
Mr. Kossin is appealing access denial to the District LED lighting upgrade project proposals, documentation of evaluation, and contract awarded.			
Notice of Compliance or Notice of Intent to Appeal			
Decision & Order	Case Title/ Participants	Due	Intent
16-24	Mark Allen vs. Utah County Commission	August 25	
16-26	Bryner vs. Dept. of Health	August 25	

August 2016 State Records Committee Case Updates

District Court Cases

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

Current Disposition: Answer filed on behalf of the Committee on July 22, 2016. Motion to Dismiss to be filed on behalf of Committee soon.

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

Current Disposition: Answer filed by Department of Public Safety on July 11, 2016, answer filed for the Committee on July 14, 2016.

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

Current Disposition: Answer filed on behalf of the Committee on August 9, 2016. Motions to dismiss Patricia Smith-Mansfield, Rosemary Cundiff, and Nova Dubovik on August 10, 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. Status/scheduling conference scheduled for August 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. Oral argument on Motion to Quash and Dismiss scheduled for August 30, 2016.

Roger Bryner v. City of Clearfield, 2nd 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, 3rd District, Salt Lake County, Case No. 150904275, filed June 24, 2015.

Current Disposition: Show cause hearing set for September 13, 2016.

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

Current Disposition: Request to submit Motion for Summary Judgment filed on August 4, 2016.

Utah Attorney General v. Salt Lake Tribune, 3rd 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, 3rd 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, 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.

William Sherratt v. Utah Dept. of Corrections, 6th 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.