

## State Records Committee Meeting

Date: October 19, 2023

Time: 9:00 a.m. – 4:00 p.m.

### Committee Members Present:

Mark Buchanan, Private Sector Records Manager

Marie Cornwall, Citizen Representative

Kenneth Williams, Chair, State Archivist Designee

Nancy Dean, Chair pro tem, Political Subdivision Representative

Nova Dubovik, Citizen Representative

Ed Biehler, Electronic Records Representative

Linda Petersen, Media Representative

### Legal Counsel:

Brian Swan, Assistant Attorney General

Michelle Adams, paralegal

### Executive Secretary:

Rebekkah Shaw

### Others Present:

Valerie Jacobson

Monica Minaya

Corey Coleman

Ali Coleman

Caleb Coleman

Grace Coleman

Miles Coleman

Catlin McKelvie, Counsel for Courtney Tanner

Meb Anderson, Assistant Attorney General

Jake Garlork

Courtney Tanner, The Salt Lake Tribune

Deborah Wood, Assistant Attorney General, Division of Child & Family Services

Blaine Thomas, Assistant Attorney General, Dpt. Health and Human Services

Jeff Hunt, Counsel for Dennis Romboy, Deseret News

Dennis Romboy, Deseret News

Adam Herbets, Fox 13

Tom Haraldsen

Courtney Johns, ABC 4 News

**Agenda:**

- Corey Coleman v. Vernal City & Uintah County (Continuance 2023-39 (Uintah) & -55 (Vernal))
- Courtney Tanner (Salt Lake Tribune) v. Dept. of Health & Human Services (2023-70)
- Jeff Hunt (Deseret News) v. Universities (UofU 2023-76, USU 2023-77, WSU 2023-81, UVU 2023-86, SUU 2023-92)
- Courtney Johns (ABC 4 News) v. Dept. of Health & Human Services (2023-79)

**Call to Order**

The Chair called the meeting to order at 9:02.

**1. Corey Coleman v. Vernal City (2023-55) & Uintah County (2023-39) (Continuance)**

**Deliberation**

**Motion** by Ms. Dean to go in camera. Seconded by Mr. Buchanan.

**Vote:** 7 Yes. 0 Nay. Ms. Dubovik, Mr. Biehler, Mr. Williams, Ms. Petersen, Ms. Dean, Mr. Buchanan, Dr. Cornwall voted in favor of the motion.

**Motion** by Ms. Dean that the records are properly classified. Looking at the public interest and interest favoring disclosure under Utah Code 63G-2-406, there is no preponderance of the evidence that the public interest is greater. There is still ongoing litigation so the preponderance of the evidence weighs in favor of nondisclosure. Seconded by Ms. Petersen.

Dr. Cornwall stated the redactions are appropriate. Mr. Williams stated it is clear from the materials provided and presentations that this is about an individual. Ms. Dean stated from testimony, it sounds like litigation is ongoing which is a compelling reason to uphold the redactions.

**Vote:** 6 Yes. 0 Nay. 1 Abstain. Ms. Dubovik, Mr. Williams, Ms. Petersen, Ms. Dean, Mr. Buchanan, Dr. Cornwall voted in favor of the motion. Mr. Biehler abstained.

**2. Courtney Tanner (The Salt Lake Tribune) v. Div of Child and Family Services (DCFS) (2023-70)**

**Petitioner Statement:**

Ms. McKelvie stated the request is regarding the murder of five kids who were subjects of a DCFS investigation at the time. She stated Utah Code 26B-1-506 covers records of fatality but does not apply to all the records. She stated that there is an exception under Utah Code 26B-1-507(6) which also does not apply to all fatalities.

Ms. McKelvie stated that Utah Code 26B-1-507(6) is clear that the records should be released and Utah Code 63G-2-202(11) recognizes this. She stated the respondent's argument that the record is protected under Utah Code 63G-2-305(10) for audit only applies if release would interfere with the audit. She stated the investigation is done and the fatality review has concluded.

Ms. McKelvie stated that even if the record is protected, the public interest outweighs any reason to restrict the record. She stated that the respondent recognizes the public interest which is why they released the underlying record related to the abuse report and investigation.

Ms. Tanner stated this is a matter of public trust in a public institution. She explained the public interest outweighs the privacy concerns. She stated there was an external review which has concluded. She stated information from the audit would provide more critical information to taxpayers so they can verify the respondent's public report.

**Questions from the Committee:**

The Committee asked if all she needs is the final audit report itself. Ms. Tanner stated it is.

**Respondent Statement:**

Mr. Thomas stated the requester has the burden to show they are entitled to the relief they seek. He stated the requester has not shown the records are public or that she is entitled to them.

Mr. Thomas stated the respondent is the state's largest agency and it is easy for the public to get their departments confused. He stated the audit is external to DCFS, but internal to the department. He stated rather than send the requester to the other department to submit her request there, the Chief Administrative Officer answered the appeal and denied the request. He stated DCFS complied with Utah Code 26B-1-507(6) but the records are in a different division. He stated records keep their classification when they're shared.

Mr. Thomas stated the fatality review records are not public and governed by another statute. He stated the records are not subject to discovery, or any civil or administrative proceeding. He stated the Legislature was clear none of these records were to be produced which is why they

provided a motion to dismiss. He stated confidentiality is essential to the reviews and asked the Committee to uphold their decision. He stated without it there would be a chilling effect and people will not cooperate with the review.

**Questions from the Committee:**

The Committee asked what the difference is between the fatality review and the language in Utah Code 26B-1-507. Mr. Thomas stated the review checks if any staff did anything they shouldn't and if policies need to change. He stated decisions are given to the regional director of DCFS and the people mentioned in statute. He stated if more action needs to be taken, copies of the opinion and responses are redacted and sent to legislators for statute changes. He stated the annual summary is public which covers what was learned the past year. He stated it is different for the specific instances.

**Petitioner Closing:**

Ms. McKelvie stated the language of Utah Code 26B-1-507 controls the records. The state agreed to release the records in exchange for capital funding, and funding under the Child Abuse Prevention and Treatment Act (CAPTA). She stated the fatality review exists for the qualified circumstances that don't have the same level of public interest when abuse and neglect causes the fatality of a child. She stated that CAPTA funding exists to prevent these types of fatalities.

Ms. Tanner stated reasonable redactions can be made. She stated the chilling effect is not in statute.

**Questions from the Committee:**

The Committee asked if the external audit isn't the executive summary and Utah Code 26B-1-507 is for the summary, could she provide more specificity what she's looking for. Ms. McKelvie stated they are looking for the report mentioned in Utah Code 626B-1-506(1) with findings and advisory opinions. It has more analysis than the summary.

The Committee asked what evidence the requester had of wrongdoing that needs to be publicly reviewed. Ms. Tanner stated that even if there is no wrongdoing, the report should be released. Ms. McKelvie stated the review includes recommendations for changes in law and procedures.

**Respondent Closing:**

Mr. Thomas stated the statute and legislative intent is clear.

**Deliberation:**

The Committee discussed Utah Code 26B-1-506, -507, and specifically -507(6). They discussed whether the records fall under another statute. They reviewed Utah Code 63G-2-202(11).

**Motion** by Ms. Dubovik to continue the hearing and require clarification on Utah Code 26B-1-507(6) and how it interacts with Utah Code 26B-1-506. Seconded by Ms. Petersen

Mr. Buchanan stated it is not the Committee's job to interpret Utah Code 26B-1. The Committee discussed which report relates to which statute.

Ms. Dubovik withdrew the motion.

**Motion** by Mr. Williams to deny the appeal because the records are subject to another statute per Utah Code 63G-2-107 and 26B-1-506. Seconded by Ms. Dean.

**Vote:** 5 Yes. 2 Nay. Mr. Biehler, Mr. Williams, Ms. Dean, Mr. Buchanan, Dr. Cornwall voted in favor of the motion. Ms. Dubovik, Ms. Petersen voted against the motion.

**3. Jeff Hunt (for Dennis Romboy of Deseret News) v. University of Utah (2023-76) Utah State University (2023-77) Weber State University (2023-81) Utah Valley University (2023-86) Southern Utah University (2023-92)**

**Petitioner Statement:**

Mr. Hunt reviewed what name, image, likeness (NIL) deals are. He stated it is the universities' job to make sure the NIL deal is compliant with NCAA eligibility requirements. He stated this request will check if taxpayer supported institutions are performing this function.

Mr. Hunt stated some of the questions Mr. Romboy is trying to answer are: How many students are participating in NIL contracts? What kind of deals are there? How many are rejected for violating NCAA rules? Is there a monitoring function for the university? Who provides the money? What are the demographics? Mr. Hunt stated the answer to these questions will allow Mr. Romboy to inform the public how NIL deals are done in public universities.

Mr. Hunt stated the request is for any contracts/documentation student-athletes submit to the universities as well as records documenting the review universities made and what goes back to the athlete.

Mr. Hunt stated it is not the requester's burden to explain why they should have the records, but on the universities to identify the exception under GRAMA that excludes them from public access. He stated all records are public unless expressly provided otherwise.

Mr. Hunt stated the respondent claims these are not the public's business because the universities are not a party to the NIL deal. He stated the universities are taxpayer supported institutions and they have a government function in monitoring the deals.

Mr. Hunt stated the whole point of NIL is to get the athlete's name out to promote a good or service so there is no unwarranted invasion of personal privacy. He stated all that is left is the argument about whether FERPA applies to the records. He stated these records have nothing to do with the students' education. He reviewed the definition of education record in FERPA.

Mr. Hunt stated that consent of the parent or student is only required if there is PII in the record. If the record is de-identified it doesn't not directly relate to a student and consent of the student or parent would not be required. He stated Utah Code 63G-2-107(2) is not sufficient and the Committee should order release of redacted records. He stated GRAMA compels governmental entities to segregate.

Mr. Romboy stated a disproportionate percentage of NIL go to male athletes. He stated NCAA President Charlie Baker testified to the US Senate that there needs to be transparency in NIL contracts. Mr. Baker stated there are reporters who won't write about NIL because they do not believe what they hear. Mr. Romboy stated without disclosure there is no way to know what is going on.

**Respondent Statement:**

Mr. Anderson stated the appeal is the same as the Stern case last month. read Utah Code 63G-2-107(2) and stated under the plain language of the statute the records cannot be released. He stated there is no private right of action under FERPA. He stated federal funding can be withdrawn by the Secretary of Education if there is a pattern that violates FERPA. He stated the Committee cannot order the records to be released.

Mr. Anderson stated GRAMA does not apply to education records, but FERPA does. He stated FERPA is restrictive and redaction is not an option. He stated he brought a sample of NIL contracts with the consent of the student and parents to share the records. He stated there is concern that sharing the records with the Committee is a FERPA violation.

Mr. Anderson stated de-identifying the records would be complicated. He reviewed the FERPA exceptions that allow the record to be provided to another person or entity. He stated Congress will address NIL rules.

Mr. Anderson stated the Committee cannot interpret FERPA and denying the appeal would be consistent with the Stern case from the previous month. He compared the two cases. He stated there are no public funds involved in NIL contracts. The university is monitoring compliance, which is a review. Mr. Anderson stated the public interest is in education records not being public.

Mr. Garlock stated that if the Committee determines that GRAMA applies instead of FERPA, the records are private because they are personal finance records. He stated the universities are not parties in the contracts and NCAA rules do not allow the university to represent or advocate for the athletes. He stated a key part of the NIL contract is compensation and what the athlete must do to earn it. He stated the universities do not approve the contracts. He stated if the Committee determines the contracts are public, there would be a chilling effect and athletes would be discouraged from submitting the contracts for review.

Mr. Garlock stated the athletes are recent adults and will make mistakes which should not be exposed to the public. He stated redactions are difficult in NIL deals because details would make it easy to determine which athlete it is.

**Questions from the Committee:**

The Committee asked where the records are maintained. Mr. Anderson stated each university is different. He stated most hire an outside agency called "Influencer" which manages them. He stated some universities require compliance be filed and they only keep that. The Committee asked if Influencer is contracted through the universities. Mr. Anderson stated they are. He stated FERPA is clear that third parties can maintain education records.

The Committee asked if the compliance office keeps a copy of the contract. Mr. Garlock stated the compliance office communicates with the athlete thru the third party website so they do not need to download the contract. The Committee asked if it's accurate that the compliance office has no record of the contract. Mr. Garlock stated they do not have it internally, just through the platform.

The Committee asked if they have other reports that may answer some of the questions the requester has. Mr. Anderson stated the NCAA does not require them to maintain all NIL deals, but they provide guidelines to monitor compliance. Mr. Garlock stated it is rare for anything in

an NIL contract to remove the athlete eligibility to play. The Committee asked if anything is provided to the University President. Mr. Garlock stated each team needs to certify that the players are eligible to compete. Mr. Anderson stated Influencer tells them if there is a problem. He stated that is what they hire them for.

The Committee asked if there are any business confidentiality clauses in NIL contracts. Mr. Anderson stated there could be. He stated he knows there is one worked into Weber State University's deal with Influencer.

**Petitioner Closing:**

Mr. Hunt reviewed Utah State University's NIL review policy from their website which requires contracts submission for review to protect their eligibility and allow the University to comply with the law.

Mr. Hunt stated all contracts must be approved before they are done. He stated Influencer is used to control access to the records, but they still have to provide access. He asked the Committee to order the release of de-identified records under FERPA. He stated he does not know how difficult it would be to de-identify the records because he has not seen them. He stated difficulty does not mean it is not required. He stated FERPA is not violated by releasing the records.

Mr. Hunt reviewed the public interest. He stated the public has a compelling interest in understanding how universities approach NIL deals.

**Respondent Closing:**

Mr. Anderson stated Influencer only maintains the records. The compliance office looks at them. He stated public policy is that students should report NIL deals. Whether they do nor not is another question.

Mr. Anderson stated the Committee cannot order the release of FERPA records under GRAMA. He stated releasing the records would cause a myriad of problems for the universities. He stated it cannot be disputed that the contracts and education records are about a student. He stated monitoring and reviewing the deals is a government function regarding a student.

Mr. Anderson stated there are also student safety concerns involved. He stated if they are ordered to provide them then they will get hundreds of requests from people wanting to sell the information. He stated releasing the records is a slippery slope the Committee does not

want to get into. He stated nothing under FERPA allows the records to be released without student consent.

**Deliberation:**

Dr. Cornwall responded to Mr. Anderson's mention of the Stern case. She clarified the Stern case was about abuse and this is not. Mr. Williams stated every request is unique and nuanced.

Mr. Biehler reviewed the two sides. One being a private contract versus the university's obligation to check for compliance.

**Motion** by Dr. Cornwall that the records are properly classified under FERPA but can be de-identified. All personal identifying information (names, address, age, position, etc) should be redacted and the records released. Seconded by Ms. Petersen.

Ms. Petersen stated they need to specify what is considered PII and can be redacted instead of saying etcetera. Mr. Williams stated the respondent is responsible for redactions and the petitioner can appeal if they object. Dr. Cornwall stated she is comfortable with that. Mr. Williams suggested adding a FERPA citation.

**Motion** by Dr. Cornwall the record is properly classified under FERPA but can be de-identified per 34 CFR 99.31(b)(1). The records should be redacted and released. Seconded by Ms. Petersen.

Ms. Dean suggested putting the SUWA court case in the order. Ms. Dubovik stated she was uncomfortable with the motion without looking at the record. She stated the records are contracts and the Committee should take a little more time.

The Committee discussed the possibility of business confidentiality in the contracts. Mr. Williams and Ms. Dubovik stated the records are contracts which are different from academic records.

**Motion** by Dr. Cornwall the record is properly classified under FERPA but can be de-identified per 34 CFR 99.31(b)(1). The respondent must also adhere to Utah Code 63G-2-309(1). The records should be redacted and released. Seconded by Ms. Petersen.

Mr. Biehler expressed concern that the records could be de-identified. He stated the contract is a private person, not an employee, with a private entity which has nothing to do with the university. He stated the eligibility falls under FERPA.

Dr. Cornwall stated if the contract specifies what position they play, that will have to be redacted. She stated some positions only require two people. She stated the entity will have to redact as much as possible so the individuals cannot be identified.

Mr. Anderson interrupted the Committee telling them releasing the record overturns the Stern case.

Dr. Cornwall withdrew her motion.

**Motion** by Mr. Buchanan to go into closed session. Seconded by Ms. Dubovik.

**Vote:** 7 Yes. 0 Nay. Ms. Dubovik, Mr. Biehler, Mr. Williams, Ms. Petersen, Ms. Dean, Mr. Buchanan, Dr. Cornwall voted in favor of the motion.

Ms. Dean stated she did not think the records fell under FERPA when the hearing started but has gone back and forth with the arguments. She stated the Owosso Supreme Court decision interpreted FERPA more narrowly and the records need to be maintained in a central student file, like the Registrar's Office. She stated that was why she asked how the records are maintained.

Ms. Dean stated these are government records because they are received by the governmental entity. She stated the Supreme Court stated if the records are not in the student's file, they do not fall under FERPA. She stated GRAMA needs to support any redactions. She stated there is a privacy issue, but some privacy was given up under an NIL deal.

**Motion** by Dr. Cornwall to grant the appeal. The records are governed by GRAMA and not FERPA per Utah Code 63G-2-103(25) and the Owosso Supreme Court case. Utah Code 63G-2-302(2)(b) describes finances as private. Records containing data in individuals which would be an unwarranted invasion of privacy can be redacted per Utah Code 63G-2-302(2)(d). Utah Code 63G-2-305(2) withholds commercial information that would have an unfair competitive injury for business confidentiality claims. Utah Code 63G-2-308 requires the entity to redact when information that may be inspected with information that may not be inspected. Seconded by Ms. Dean.

Mr. Williams suggested cutting Utah Code 63G-2-305.

**Motion** by Dr. Cornwall to grant the appeal. The records are governed by GRAMA and not FERPA per Utah Code 63G-2-103(25) and the Owasso Supreme Court case. Utah Code 63G-2-302(2)(b) describes finances as private. Records containing data in individuals which would be an unwarranted invasion of privacy can be redacted per Utah Code 63G-2-302(2)(d). Utah Code 63G-2-308 requires the entity to redact when information that may be inspected with information that may not be inspected. Seconded by Ms. Dean.

Ms. Dean stated the athlete's name is not private under Utah Code 63G-2-302(2)(d), but their address, phone number, and finances would be. Mr. Williams stated the information is not private except that it could be used to harass them. Mr. Biehler stated the athlete gives up the right of their name and position being private by playing in collegiate sports.

**Vote:** 7 Yes. 0 Nay. Ms. Dubovik, Mr. Biehler, Mr. Williams, Ms. Petersen, Ms. Dean, Mr. Buchanan, Dr. Cornwall voted in favor of the motion.

#### **4. Courtney Johns (ABC 4 News) v. Dept. of Health & Human Services (DHHS) (2023-79)**

##### **Petitioner Statement:**

Ms. Johns stated both parties are in attendance with the same goal to protect children. He reviewed the background of the Michael Haight murder-suicide case. She stated a report was filed but no charges were filed in 2020. She stated there was another report in 2022 which had two reports of him hitting his daughter and his wife's plans to divorce him. She stated DHHS did not interview Michael because Tausha asked them to wait until she filed for divorce.

Ms. Johns stated she does not disagree that Mr. Haight is solely responsible, but there can be other things to learn. She stated three cases were filed, one a month before the murder. She stated the public interest outweighs the privacy concerns. She stated the summaries provided and secondhand accounts present conflicting reports. She stated the audio and video would show what happened.

Ms. Johns stated Mr. Stott, the Chief Administrative Officer (CAO), ordered the release of the reports because the public interest outweighed the privacy interest. She disagreed that the audio and video do not need to be released because the reports were provided. She stated no additional harm would be done by providing the audio and video. She asked the Committee to review the audio.

**Respondent Statement:**

Ms. Wood stated the appeal is for two interview recordings. She stated there is no interview of the mother. She stated all DCFS records are private, controlled, or protected. She reviewed Utah Code 80-2-1005, 80-2-1001, 80-2-1002, and Utah Code 63G-2-305(44). She stated a recording is protected and the media is not on the list of persons who it can be provided to under Utah Code 80-2-1002(4). She reviewed Utah Code 63B-2-101.

Ms. Wood stated the Committee does not have authority to weigh the interests because DCFS has its own statute that applies. She stated the family's history is well known but that does not make the record public. She reviewed the legislative intent to protect the best interest of the child, prevent harm, and preserve family life. She stated the DCFS case was a welfare matter under Utah Code 80-2A-201.

Ms. Wood reviewed Utah Code 80-2-301. She stated they balance many interests and work to build trust. She stated releasing the records would undermine that trust. She reviewed victim rights under Utah Code 77-37-1.

Ms. Woods stated there is not an accusation of misconduct of the division or a public official so the Deseret News v. Utah Legal Clinic case does not apply. She stated releasing the audio serves no public purpose.

**Petitioner Closing:**

Ms. Johns stated children need to be protected and the victims are silenced by denying the record. She stated if questions are not asked, more lives could be lost.

**Respondent Closing:**

Ms. Wood stated the audio would not answer the questions. She stated there is a chilling effect if the records are released because victims may fear if they say something to DCFS and the audio is released, they may end up dead.

**Questions from the Committee:**

The Committee asked if the summary provided what was in the audio. Ms. Wood stated a written record is typical after an interview, but an audio recording is required. If it is a sexual abuse case, video and audio are both required. She stated the written record is a log of activity in the case.

**Deliberation:**

The Committee discussed the use of “may” instead of “shall” in Utah Code 80-1-1005(1). They discussed the public interest in the case.

**Motion** by Dr. Cornwall to deny the appeal. The records are properly classified under Utah Code 63G-2-201(3)(b) and restricted under Utah Code 80-2-1005(1). Seconded by Mr. Williams.

Ms. Dean stated the interest is the child’s interest which outweighs the public interest. She stated there are consequences to people beyond the child that the requester and the Committee are not aware of.

**Vote:** 7 Yes. 0 Nay. Ms. Dubovik, Mr. Biehler, Mr. Williams, Ms. Petersen, Ms. Dean, Mr. Buchanan, Dr. Cornwall voted in favor of the motion.

### **Business**

#### **Approval of September 2023 SRC Minutes, action item**

**Motion** by Ms. Dubovik to approve the September 2023 minutes. Seconded by Mr. Buchanan.

**Vote:** 6 Yes. 0 Nay. 1 Abstain. Ms. Dubovik, Mr. Biehler, Mr. Williams, Ms. Dean, Mr. Buchanan, Dr. Cornwall voted in favor of the motion. Ms. Petersen abstained.

#### **Approval of October 5, 2023 SRC Minutes, action item**

**Motion** by Mr. Biehler to approve the October 5th minutes. Seconded by Mr. Buchanan.

**Vote:** 6 Yes. 0 Nay. 1 Abstain. Ms. Dubovik, Mr. Biehler, Mr. Williams, Ms. Dean, Mr. Buchanan, Dr. Cornwall voted in favor of the motion. Ms. Petersen abstained.

#### **Administrative Rules regarding statement of facts, action item**

The Committee discussed statement of facts. Mr. Williams recommended the Division of Archives will bring recommended language for the Committee to review.

#### **SRC appeals received and declined, notices of compliance, and related action items**

Ms. Shaw reviewed appeals denied since the last meeting.

Eric Stephenson v. St. George Police	<p>Requesting access to records of meeting minutes, UDOT authorization, and minutes authorizing the approval of the installation of cameras on a specific intersection.</p> <p>Denied due to insufficient evidence that the respondent has concealed or not sufficiently searched for the record.</p>
Brady Eames v. Cache Waste Consortium	<p>Requesting access to pending minutes, a 5-year contract, and an oath of office.</p> <p>Denied because the appeal is untimely. The request was denied on May 11th and was never appealed to the provided contact information for the Chief Administrative Officer.</p>
Michael Clara v. SLCPD	<p>Requesting access to a presentation at a conference sponsored by SLCPD.</p> <p>Denied due to lack of sufficient evidence the respondent did not properly search for the record. The requester was notified that the presenter is an employee of the Attorney General's Office and he should submit the request to them.</p>
Parker Pentz v. Corrections	<p>Requesting access to a policy.</p> <p>Denied per order 02-02.</p>
Parker Pentz v. Corrections	<p>Requesting access to a chapter of the department manual regarding victim notification.</p> <p>Missing the initial request, initial denial, CAO appeal, and denial.</p> <p>Denied because the Committee does not have jurisdiction over UDC's discretion to allow requests after the limit of 5 is met.</p>
Lynn David v. Wasatch County	<p>Requesting access to permits.</p> <p>The appeal is missing a statement of relief sought and also missed an appeal to the CAO.</p> <p>The appeal needs to go to the CAO first. As of 9/28 the appeal still had not been properly sent to the CAO and is now untimely.</p>
Kent Singleton v. Morgan County	<p>Requesting records related to a trespass citation and a record of proof that no records exist in response to a previous request.</p> <p>Denied due to insufficient evidence has not been provided that the respondent has concealed or not sufficiently searched for the record.</p>

**Cases in district court, report**

Mr. Swan provided an update on cases in district court.

**Committee members' attendance polled for next meeting, format and quorum verification**  
A quorum was confirmed for November 16th.

The meeting was adjourned.

APPROVED