

MICHAEL CLARA
V.
WASHINGTON COUNTY

**INTERVENING PARTY:
NATALIE CLAWSON & PHIL LYMAN**

STATE RECORDS COMMITTEE
2024-115

July 18, 2024

Salt Lake City, Utah

Utah Code §63G-2-305.5

63G-2-305.5. **Viewing or obtaining lists** of signatures.

(1) The records custodian of a signature described in Subsection 63G-2-305(74) **shall, upon request**, except for a name or signature classified as private under Title 20A, Chapter 2, Voter Registration:

(a) **provide a list of the names** of the individuals who signed the petition or request; and

(b) permit an individual to **view**, but not take a copy or other **image of, the signatures** on a political petition described in Subsection 63G-2-305(74).

Utah Code §63G-2-305.5

63G-2-305.5.
Viewing ...permit
an individual to
view, but not take
a copy or other
image of, the
signatures on a
political petition
described in
Subsection 63G-2
305(74)...

PETITION TO NOMINATE [CANDIDATE NAME] FOR [OFFICE NAME]



- We, the registered voters of Utah, request that [CANDIDATE NAME] be nominated for the office of [OFFICE NAME] for the [CANDIDATE PARTY NAME] Party of Utah.
- We are registered to vote or will be registered to vote before our signatures are certified.
- We live in the district or area in which this candidate is seeking office.
- We understand that we cannot sign this petition using any name other than our own.
- We understand that we cannot sign for another candidate seeking the same office or more than once for the same candidate.
- We are allowed to vote in the political party's primary election.

For office and only	REGISTERED VOTER'S PRINTED NAME (must be legible to be counted)	SIGNATURE OF REGISTERED VOTER	BIRTH DATE OR AGE*	STREET ADDRESS, CITY, ZIP CODE	DATE OF SIGNATURE

*Birth date or age information is not required, but it may be used to verify your identity with voter registration records.
WARNING: It is unlawful for anyone to knowingly sign a certificate of nomination with any name other than the person's own name or more than once for the same candidate or if the person is not registered to vote in this state and does not intend to become registered to vote in this state before signatures are certified by a filing officer.

Utah Code §63G-2-305.5

Norton List of Signatures

63G-2-305.5.
...Obtaining lists
of signatures.

...provide a list
of the names of
the individuals
who signed the
petition ...

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	Last	First	Middle	Address	City	Zip	County	Precinct	Voter ID	Voter Party	Privacy	Action	Pac ID	Pac No	CIRCULATOR
2	Adams	Christian	Jeffrey	1746 S Cliff Point Dr	Saint George	84790	Washington	STG10	1633865	Republican		Valid	53991	49	Elizabeth Adams
3	Adams	Elizabeth	S	1746 S Cliff Point Dr	Saint George	84790	Washington	STG10	4406374	Republican		Valid	53998	76	Natala Larsen
4	Adams	Jeffrey	David	1746 S Cliff Point Dr	Saint George	84790	Washington	STG10	4406373	Republican		Valid	53991	49	Elizabeth Adams
5	Adams	Kami	Patrice	504 E Telegraph St Unit 45	Washington	84780	Washington	WAS10	5901478	Unaffiliated		Invalid Party	53957	31	Sarah G Dunham
6	Adams	Kimberly		1953 Acacia Pl	Saint George	84790	Washington	STG13	4448034	Republican		Valid	53984	41	Terri Draper
7	Adams	Marcia	Rowe	116 Neilson Ranch Rd	Washington	84780	Washington	WAS12	4404078	Republican		Valid	53988	46	Krista Winward
8	Adams	Sunnie	Kaye	2090 Sherman Rd	Saint George	84790	Washington	STG13	6395230	Republican		Valid	53959	34	Larry Bergeson
9	Adamson	Betty	Jane	554 W 1660 N	Washington	84780	Washington	WAS01	1291466	Republican		Valid	53703	7	Nathan I. Koengeter
10	Adamson	Kayla		3396 S 2240 E	Saint George	84790	Washington	STG19	1852697	Unaffiliated		Invalid Party	53998	76	Natala Larsen
11	Agren	Pehr	Arlen	1610 W 100 N Unit 16	Saint George	84770	Washington	STG49	6245679	Republican		Valid	53632	3	Nathan I. Koengeter
12	Ahrens	Opal	Louise	76 S 3900 E	New Harmony	84757	Washington	CONH27	1743022	Republican		Valid	54013	77	Nathan I Koengeter
13	Ahrens	Robert	Louis	76 S 3900 E	New Harmony	84757	Washington	CONH27	1696156	Republican		Valid	54013	77	Nathan I Koengeter
14	Ainsworth-E	Sherry	A	3619 Lupin Way	Saint George	84790	Washington	STG32	4449705	Republican		Valid	53991	49	Elizabeth Adams
15	Alldredge	Craig										Not Registered	53990	48	Kristie Rindlisbacher
16	Allred	Christopher	Allen	2332 Rustic Dr	Saint George	84790	Washington	STG15	4436660	Republican		Valid	54003	64	Elizabeth McBride
17	Allred	Debra	Cleyon	3519 S 1470 W	Saint George	84790	Washington	STG31	2050632	Republican		Valid	54169	100	Justin Kneckt
18	Allred	Rebecca	Mae	2332 Rustic Dr	Saint George	84790	Washington	STG15	4436674	Republican		Valid	54003	64	Elizabeth McBride
19	Almaraz	Jair	Yuri	2292 E 4040 S	Saint George	84790	Washington	STG20	1411351	Republican		Valid	54044	96	Kristan Norton
20	Alvarez	Jenny										Not Registered	54344	113	Kristie Rindlisbacher
21	Anaya	Mary		140 Jeter St	Saint George	84770	Washington	STG46	4440791	Unaffiliated		Invalid Party	53820	14	Marcia R Hammer
22	Andersen	Cathy	L	1439 Canyon View Dr	Santa Clara	84765	Washington	SC03	4412239	Republican		Valid	53964	23	Gary S. Esplin
23	Andersen	John	Willy	45 N Charbonne Dr	Saint George	84770	Washington	STG49	6033337	Republican		Valid	54000	84	Nathan Koengeter
24	Andersen	Kaylan	Brent	1439 Canyon View Dr	Santa Clara	84765	Washington	SC03	4412240	Republican		Valid	53964	23	Gary S. Esplin
25	Andersen	Maycee										Not Registered	54366	117	Lynden Macdonald
26	Anderson	Albert	William	1000 W SR 9	Virgin	84779	Washington	VIR01	4417907	Republican		Valid	54496	139	William Vogt
27	Anderson	Austin	Farrell	1131 W Blackberry Cir	Saint George	84790	Washington	STG32	4422823	Republican		Valid	53570	1	ChyAnn Christensen
28	Anderson	Austin	Farrell	1131 W Blackberry Cir	Saint George	84790	Washington	STG32	4422823	Republican		Candidate Duplicate	53984	41	Terri Draper
29	Anderson	Barry	Reid	1952 E 1200 North Cir	Saint George	84770	Washington	STG40	1766980	Republican		Valid	53970	40	DeAnna Esplin
30	Anderson	Brittney										Not Registered	53961	36	Leslie Sparks
31	Anderson	Cory	Lee	917 W 300 S	Loa	84747	Wayne	LO02:1	5101767	Republican		Valid	54005	66	Preston Norton
32	Anderson	Deborah	Powell	1952 E 1200 North Cir	Saint George	84770	Washington	STG40	1767000	Republican		Valid	53970	40	DeAnna Esplin

UCA §20A-9-408

Step 4: Submit petition signatures for review

UCA 20A-9-408

When do I submit
petition
signatures?



You must submit petition signatures no later than 2 weeks prior to your party's nominating convention—even if you are not participating in the convention process. ~~The deadline will be extended to the following business day if the 2 week deadline falls on a weekend or holiday.~~ You may submit petition signatures any time before this deadline.

The No Labels Party signature submission deadline is April 1, 2024 at 5:00 p.m.

You must also obtain the required number of signatures before you submit them for verification. For example, if you are required to obtain 1,000 signatures, you cannot submit any petition signatures until you have collected at least 1,000 signatures.

You are encouraged to submit your petition signatures earlier than the deadline. This will allow you to gather and submit more signatures if you fail to reach the required number of valid signatures with your first submission.

UCA§20A-9-408



FEB 20
2024

April

2024

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
1	2	3	4	5	6/7
8	9	10	11 Washington County GOP Executive Committee Meeting	12	13/14
15	16 <i>Lt. Gov Office Denied GRAMA Request Norton Signature List (submitted by delegate)</i>	17	18	19	20/21 Gov Cox Declares 28,000 Signatures
22	23	24	25 <i>Delegate files Appeal to Lt. Gov for Norton Signature List</i>	26	27/28 Utah GOP Convention
29	30 <i>Lt. Gov CAO Denies Delegate Appeal Norton Signature List</i>				

Procedural History

May

2024

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
		1	2	3 CLARA GRAMA REQUEST Washington County IPSON SIGNATUE LIST	4/5
6	7	8	9	10	11/12
13	14	15	16	17 Washington County Clerk-Auditor Response to Clara IPSON SIGNATUE LIST	18/19
20 CLARA Appeal to CAO #1 (OBTAIN LIST) Washington County IPSON SIGNATUE LIST	21	22	23 Washington County Attorney Response to Clara IPSON SIGNATUE LIST	24	25/26
27	28 CLARA Appeal to CAO #2 (VIEW PACKETS) Washington County IPSON SIGNATUE LIST	29	30	31	

Procedural History

June

2024

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
				1	1/2
3	4	5	6 Washington County CAO No Response to Clara Appeal #1	7 CLARA Appeal to SRC #1 (OBTAIN LIST) IPSON SIGNATUE LIST	8/9
10 Washington County CAO Response to Clara Appeal #2	11 CLARA Appeal to SRC #2 (VIEW PACKETS) IPSON SIGNATUE LIST	12	13	14	15/16
17	18	19	20	21	22/23
24	25 PRIMARY ELECTION	26	27	28	29/30

Procedural History

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
1	2	3	4	5	6/7
8 ELECTION CANVASS	9	10	11	12	13/14
15	16	17	18 SRC HEARING	19	20/21
22	23	24	25	26	27/28
29	30	31			

Procedural History

Washington
County
GOP
Executive
Committee

April 11, 2024

Name KIRAN ANDREWS
Address 976 N 1725 WEST
ST. GEORGE, UT 84770
City, State, Zip
Phone 323.691.9330
Email Kiranandrews2021@gmail.com

I am ☐ Petitioner ☐ Respondent
☐ Interested Person ☒ Witness

In the District Court of Utah
Judicial District _____ County _____
Court Address _____

In the Matter of Protection for _____
~~Respondent~~

Witness Affidavit
Case Number 2024-115
Judge State Records Committee

Being first sworn and while under oath or affirmation, I say as follows:

1. My relationship to the ^{Petitioner}~~respondent~~ is Witness.

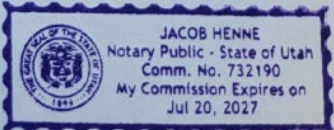
2. I also say:
On the evening of April 11, 2024
I attended a meeting at 111 E.
Tabernacle Street, St. George, Utah
84770, the Washington County building.
The meeting was held in a room by
the Washington County Republican Party
Executive Committee. There were →

approximately 10 people in attendance. During this meeting the Clerk/Auditor of Washington County was an invited guest and provided a report. He noted that ballots would be mailed on June 4th. He also said that he had made a referral to the County Attorney office related to the signatures collected, that it was big news, and we could expect to see press releases to be issued soon.

July 15, 2024 Date Sign here ▶ [Signature]
Typed or Printed Name KIRAN ANDREWS

On this date, I certify that Kiran Andrews (name)
who is known to me or who presented satisfactory identification, in the form of
UT Drivers License (form of identification), has, while in my
presence and while under oath or affirmation, voluntarily signed this document and declared that it is true.

July 15, 2024 Date Sign here ▶ [Signature]
Typed or printed name (Court Clerk or Notary Public) Jacob Henne
Notary Seal



Washington County attorney says no evidence of a candidate acting inappropriately in signature gathering

In Utah signatures for referenda and initiatives are posted publicly, but state law is different for candidate petitions

Published: June 21, 2024, 7:35 p.m. MDT

The Lyman campaign pointed to a case in Washington County where a company gathering signatures for state Sen. Don Ipson, R-St. George, came under scrutiny due to irregularities. Ipson ended up qualifying for the ballot through the Republican county convention since he didn't receive enough verified signatures. The company that collected signatures for him, Gathering Inc., was also used by Wilson and Cox, though

These **irregularities** are being investigated, said Eric Clarke, Washington County attorney, to the Deseret News in a phone call.

But Clarke also said there was no evidence of a candidate or the company acting inappropriately. He said he was looking into the matter to do his due diligence and build public trust.

"I want people to be able to trust the processes that we have and know that there are checks on all the processes to make sure that they work," said Clarke.

Washington County attorney says no evidence of a candidate acting inappropriately in signature gathering

In Utah signatures for referenda and initiatives are posted publicly, but state law is different

Published: June 21, 2024, 7:35 p.m. MDT

The Lyman campaign pointed to a case in Washington County where a company gathering signatures for state Sen. Don Ipson, R-St. George, came under scrutiny due to irregularities. Ipson ended up qualifying for the ballot through the Republican county convention since he didn't receive enough verified signatures. The company that collected signatures for him, Gathering Inc., was also used by Wilson and Cox, though

Tanner Leatham, owner of Gathering Inc., told the Deseret News on the phone that the company works through independent contractors. It's an Ogden-based company that gathers signatures for races across the country. He said a couple of contractors gathering signatures for Ipson weren't using the tools or training the company provides.

Some of the signatures, Leatham said, were not valid because they were collected from people who don't live in Ipson's district. Leatham explained that signatures can also be considered invalid if they don't match up with how you signed previous records like voter registration. So, if you alter your signature, it could be marked invalid, even if it comes from you.

Leatham said he spoke with the Washington County Clerk early in the spring and made amends with Ipson over the matter.

"I have nothing to hide here. I have so many awesome hundreds of people that have worked with us that do a good job," said Leatham, adding he hasn't gotten a call about what happened since either February or March.



May 17, 2024

Michael Clara
974 South 1400 West
Salt Lake City, Utah 84104
Email: donmiguelslc@gmail.com

We have received your request for copies of all the signature gathering forms that list the names of the individuals who signed the submitted forms on behalf of Don L. Ipson.

Under GRAMA, signatures obtained on a political petition are considered protected information. Utah Code Ann. § 63G-2-305(74). However, the County may disclose protected records, if we determine there are factors favoring access instead of restricting access. Utah Code Ann. § 63G-2-201(5)(b)(ii). It has been determined that you will be provided with an opportunity to view the requested records at a mutually agreed time in our office under supervision. You will not be allowed to make copies of the requested documents, or mark the documents in any way. You will not be allowed to remove staples from the documents. As part of our chain of custody procedures, the documents will be sealed prior to and upon completion of viewing because they are part of an ongoing investigation. To arrange a viewing time during business hours, please contact Melanie Abplanalp at (435) 301-7223.

Under Utah Code Ann. § 63G-2-401, you may appeal any portion of this response to the Washington County Commission Chair. To appeal, you must send a notice of appeal to the Commission within 30 days. Include with the notice your name, mailing address, daytime telephone number, and an explanation of what relief you are seeking. Any supporting information should also be included. These items should be sent to:

Washington County Commission Chair
111 E. Tabernacle St.
St. George, Utah 84770

Sincerely,

Ryan Sullivan
Washington County Clerk-Auditor

cc: Mary Decker
cc: Melanie Abplanalp

Washington County Clerk-Auditor

63G-2-201(5)(b)(ii). It has been determined that you will be provided with an opportunity to view the requested records at a mutually agreed time in our office under supervision. You will not be allowed to make copies of the requested documents, or mark the documents in any way. You will not be allowed to remove staples from the documents. As part of our chain of custody procedures, the documents will be sealed prior to and upon completion of viewing because they

cc: Melanie Abplanalp
cc: Mary Decker

Washington County Clerk-Auditor

Washington County Attorney

The County Attorney's office has reviewed the request and the response, and amends the response based on other factors. The records not only are protected because they are signatures on a political petition under Title 20A, the Election Code, they also are protected under 63G-2-305(10). Section 305(10) classifies records as protected if they are involved in an ongoing criminal investigation. Release of the records could compromise the investigation or impede future criminal prosecution. Disclosure also could create a danger of depriving potential defendants of a right to a fair trial or impartial hearing. The GRAMA request for Don Ipson's candidate signature forms in the 2024 State Senate election is denied because the records are protected pursuant to Utah Code Ann. §§ 63G-2-201(5)(a) and 63G-2-305(10). The factors considered by the Clerk favoring access are outweighed by the additional protections for

OFFICE OF THE WASHINGTON COUNTY ATTORNEY
ERIC CLARKE | WASHINGTON COUNTY ATTORNEY
TELEPHONE: 435-634-5723
33 NORTH 100 WEST | SUITE 200 | ST. GEORGE, UTAH 84770
WWW.WASHCO.UTAH.GOV/DEPARTMENTS/ATTORNEY



May 23, 2024

Michael Clara
974 South 1400 West
Salt Lake City, Utah 84104
Email: donmiquelslc@gmail.com

Dear Mr. Clara,

RE: Amended GRAMA Response

The Washington County Clerk-Auditor's office received your request for a list of Don Ipson's candidate signature forms in the 2024 State Senate election, and responded to your request on or about May 17, 2024. The request and the response are attached. The County hereby amends its response.

The Clerk properly determined that the requested documents are protected information. Utah Code Ann. § 63G-2-305(74). However, the Clerk's office was going to allow limited disclosure of the protected records based on its determination that there are factors favoring access instead of restricting access to election-related records under Utah Code Ann. § 63G-2-201(5)(b)(ii).

The County Attorney's office has reviewed the request and the response, and amends the response based on other factors. The records not only are protected because they are signatures on a political petition under Title 20A, the Election Code, they also are protected under 63G-2-305(10). Section 305(10) classifies records as protected if they are involved in an ongoing criminal investigation. Release of the records could compromise the investigation or impede future criminal prosecution. Disclosure also could create a danger of depriving potential defendants of a right to a fair trial or impartial hearing. The GRAMA request for Don Ipson's candidate signature forms in the 2024 State Senate election is denied because the records are protected pursuant to Utah Code Ann. §§ 63G-2-201(5)(a) and 63G-2-305(10). The factors considered by the Clerk favoring access are outweighed by the additional protections for records that are the subject of a criminal investigation. The signature forms also have places to enter date of birth or age information, and that information may be private. Utah Code Ann. § 63G-2-302. The earlier GRAMA response is hereby amended and denied.

Clara Appeal to the CAO

J. Michael Clara
974 South 1400 West
Salt Lake City, Utah 84104
The United States of America



801-521-3223
@donMiguelSLC
donMiguelSLC@gmail.com

• NUMBERS 6124-26 •

1 of 8

28 May 2024

DELIVERED VIA ELECTRONIC MAIL: gil.almquist@washco.utah.gov
Commissioner Almquist, Chair
% Washington County Commission
111 E. Tabernacle St.
St. George, Utah 84770

St. George, Utah 84770
111 E. Tabernacle St.
% Washington County Commission
Commissioner Almquist, Chair

In other words, "The government must show, by more than conclusory statement, how the particular kinds of investigatory records requested would interfere with a pending enforcement proceeding."²⁴ Conclusory speculation, however, is all the County Attorney has offered here.

Moreover, if that type of speculation were sufficient to invoke the "interference" exception, there would be a categorical exclusion of a multitude of records. Nevertheless, that view of the law is unsupported by the actual language of GRAMA and should be rejected by the Commission!

Even more troubling, however, is the County Attorney's implicit assumption that the public has no meaningful role to play in the functioning of the criminal justice process, and that public access to potential evidence almost necessarily "interferes with" those proceedings.

To the contrary, both the United States Supreme Court and the Utah Supreme Court have recognized for decades that public access "enhances the quality and safeguards the integrity of the factfinding process"²⁵

The County Attorney's view that criminal prosecutions must necessarily take place in the dark, with no public access to the evidence at issue or records relating to the prosecutor's discharge of a public office until after trial, is directly contrary to decades of precedent, is unsupported by any language in GRAMA, and should be rejected by the Commission!

The County Attorney's other argument fares no better:

...Disclosure also could create a danger of depriving potential defendants of a right to a fair trial or impartial hearing...²⁶

The "fair trial" exception in GRAMA parallels the same test governing the right of access to court proceedings and records. In that context, there is a wealth of guidance and authority on what the exception means and how truly narrow and rare are the circumstances when release of records actually impairs a defendant's fair trial rights.

Washington County Commissioner

CAO Response

GRAMA Appeal Response - Clara

Inbox x



M

→ **Mary Decker** <Mary.Decker@washco.utah.gov>
to me, Cami

Mon, Jun 10, 8:59 AM



Dear Mr. Clara,

Please see the attached file in response to your appeal to the Washington County Commission regarding Kristan Norton records.

Sincerely,



Mary Decker
RECORDS OFFICER

☎ 435.301.7233
✉ mary.decker@washco.utah.gov
111 East Tabernacle | St. George, UT 84770

One attachment • Scanned by Gmail ⓘ





VICTOR IVERSON, COMMISSIONER | GIL ALMQUIST, COMMISSION CHAIR | ADAM SNOW, COMMISSIONER

June 10, 2024

Michael Clara
974 South 1400 West
Salt Lake City, Utah 84104
Email: donmiguelssc@gmail.com

RE: GRAMA Records Request dated May 2, 2024 and any similar requests consolidated into this Appeal Response re: Kristan Norton records

Dear Mr. Clara,

I am in receipt of the GRAMA appeals submitted on or about May 22 and May 28, 2024 to the Washington County Commission and prior similar requests and appeals that are consolidated. Please consider this a formal response to your appeals.

This response affirms the decision to deny your May 2 request. The records sought were:

May 2nd. ALL the signature gathering forms that list the names of the individuals who signed the submitted forms on behalf of Kristan L. Norton

Kristan Norton Records.

Regarding the requested Kristan Norton records, and as indicated in the County's responses related to Kristan Norton records, the County does not have any such records. The County's May 2, 2024 email response stated:

Washington County does not have any records responsive to your request. Kristan L. Norton is a multi-county candidate. You will need to contact the Lieutenant Governor's Office.

This Appeal Response affirms that the County does not have any such records, and cannot produce them. GRAMA provides for production of an existing public record, and the County does not have anything responsive to this request. Utah Code Ann. § 63G-2-201(1)(a). The County is not required to create a record if one does not exist. Utah Code Ann. § 63G-2-201(7)(a)(i).

Pursuant to UCA § 63G-2-402, you have the right to appeal this decision to the records committee pursuant to UCA § 63G-2-403 or the district court pursuant to UCA § 63G-2-404. A notice of appeal to the records committee pursuant to UCA § 63G-2-403 must be filed no later than 30 days after the date of issuance of this letter. A petition for judicial review

Washington County Commissioner

CAO Response

pursuant to UCA § 63G-2-404 shall be filed no later than 30 days after the date of the order or decision.

Please direct your appeal to the records committee to:

Rebekkah Shaw
State Records Committee Executive Secretary
346 Rio Grande
Salt Lake City, Utah 84101-1106

Sincerely,

Gil Almquist
Washington County Commission Chair

Washington County Commissioner

CAO Response 7-11 Version

Submitted to the SRC

by
Steven Scott

----- Forwarded message -----

From: Steven Scott <Steven.Scott@wcattorney.com>

Date: Thu, Jul 11, 2024, 6:09 PM

Subject: Washington County's Response Case No. 2024-115

To: Rebekkah Shaw <rshaw@utah.gov>, SRC Secretary <srcsecretary@utah.gov>

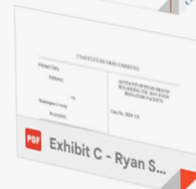
Cc: donmiguelslc@gmail.com <donmiguelslc@gmail.com>, nclawson@gmail.com <nclawson@gmail.com>, Eric Clarke <Eric.Clarke@wcattorney.com>, Devin Snow <Devin.Snow@wcattorney.com>, Victoria Hales <Victoria.Hales@wcattorney.com>

All,

Please see Washington County's Response to the Requester's and Intervenor's Appeal Demanding Don Ipson's Candidate Signature Packets and Investigation Materials.



5 Attachments • Scanned by Gmail





VICTOR IVERSON, COMMISSIONER · GIL ALMQUIST, COMMISSION CHAIR · ADAM SNOW, COMMISSIONER

June 10, 2024

Michael Clara
974 South 1400 West
Salt Lake City, Utah 84104
Email: donmiguelslc@gmail.com

RE: GRAMA Records Request dated May 6, 2024 and any similar requests consolidated into this response (including a May 2, 2024 request)

Dear Mr. Clara,

I am in receipt of the GRAMA appeals submitted on or about May 22 and May 28, 2024 to the Washington County Commission and prior similar requests and appeals that are consolidated. Please consider this a formal response to your appeals.

This response affirms the decision to deny your May 2 and May 6, 2024 requests. The records sought were:

May 2nd. ALL the signature gathering forms that list the names of the individuals who signed the submitted forms on behalf of Kristan L. Norton

May 6th. All records as defined in GRAMA (including all communications) in reference to an investigation (and the investigation itself) into the signatures that were gathered for candidate Don Ipson (Utah Senate) and / or Kristan Norton (Utah State Board of Educations) for the 2024 election cycle.

Kristan Norton Records.

Regarding the requested Kristan Norton records, and as indicated in the County's responses related to Kristan Norton records, the County does not have any such records. The County's May 2, 2024 email response stated:

Washington County does not have any records responsive to your request. Kristan L. Norton is a multi-county candidate. You will need to contact the Lieutenant Governor's Office.

0009

Washington County Commissioner

CAO Response Enhanced Version

Submitted to the SRC

07/11

This Appeal Response affirms that the County does not have any such records, and cannot produce them. GRAMA provides for production of an existing public record, and the County does not have anything responsive to this request. Utah Code Ann. § 63G-2-201(1)(a). The County is not required to create a record if one does not exist. Utah Code Ann. § 63G-2-201(7)(a)(i).

Don Ipson Records.

Regarding requested Don Ipson records, records properly classified by a governmental entity as protected are not subject to disclosure under GRAMA. In this instance, the records are subject to the attorney-client privilege and have been properly classified by the County as protected. They relate to the representation of the Clerk-Auditor's office by the County Attorney's office. The investigation communications sought are protected records under Utah Code Ann. 63G-2-305(17). Your appeal, therefore, is denied. Other confidentiality and ethics rules apply to the records, but only the GRAMA provisions are cited herein because they are the provisions relevant to the request and the appeal.

Pursuant to UCA § 63G-2-402, you have the right to appeal this decision to the records committee pursuant to UCA § 63G-2-403 or the district court pursuant to UCA § 63G-2-404. A notice of appeal to the records committee pursuant to UCA § 63G-2-403 must be filed no later than 30 days after the date of issuance of this letter. A petition for judicial review pursuant to UCA § 63G-2-404 shall be filed no later than 30 days after the date of the order or decision.

Please direct your appeal to the records committee to:

Rebekkah Shaw
State Records Committee Executive Secretary
346 Rio Grande
Salt Lake City, Utah 84101-1106

Sincerely,

Gil Almquist
Washington County Commission Chair



VICTOR IVERSON, COMMISSIONER · GIL ALMQUIST, COMMISSION CHAIR · ADAM SHAW, COMMISSIONER

June 10, 2024

Michael Clara
974 South 1400 West
Salt Lake City, Utah 84104
Email: donmiguelisc@gmail.com

RE: GRAMA Records Request dated May 6, 2024 and any similar requests consolidated into this response (including a May 2, 2024 request)

Dear Mr. Clara,

I am in receipt of the GRAMA appeals submitted on or about May 22 and May 28, 2024 to the Washington County Commission and prior similar requests and appeals that are consolidated. Please consider this a formal response to your appeals.

This response affirms the decision to deny your May 2 and May 6, 2024 requests. The records sought were:

May 2nd. ALL the signature gathering forms that list the names of the individuals who signed the petition for the 2024 election cycle.

May 6th. All records as defined in GRAMA (including all communications) in reference to an investigation (and the investigation itself) into the signatures that were gathered for candidate Don Ipson (Utah Senate) and / or Kristan Norton (Utah State Board of Educations) for the 2024 election cycle.

Kristan Norton Records.

Regarding the requested Kristan Norton records, and as indicated in the County's responses related to Kristan Norton records, the County does not have any such records. The County's May 2, 2024 email response stated:

Washington County does not have any records responsive to Kristan L. Norton is a multi-county candidate. You will need Lieutenant Governor's Office.

This Appeal Response affirms that the County does not have any such records, and cannot produce them. GRAMA provides for production of an existing public record, and the County does not have anything responsive to this request. Utah Code Ann. § 63G-2-201 (1) (a). The County is not required to create a record if one does not exist.

Don Ipson Records.

Regarding requested Don Ipson records, records properly classified by a governmental entity as protected are not subject to disclosure under GRAMA. In this instance, the records are subject to the attorney-client privilege and have been properly classified by the County as protected. They relate to the representation of the Clerk-Auditor's office by the County Attorney's office. The investigation communications sought are protected records under Utah Code Ann. 63G-2-305(17). Your appeal, therefore, is denied. Other confidentiality and ethics rules apply to the records, but only the GRAMA provisions are cited herein because they are the provisions relevant to the request and the appeal.

Pursuant to UCA § 63G-2-402, you have the right to appeal this decision to the records committee pursuant to UCA § 63G-2-403 or the district court pursuant to UCA § 63G-2-404. A notice of appeal to the records committee pursuant to UCA § 63G-2-403 must be filed no later than 30 days after the date of issuance of this letter. A petition for judicial review pursuant to UCA § 63G-2-404 shall be filed no later than 30 days after the date of the order or decision.

Please direct your appeal to the records committee to:

Rebekkah Shaw
State Records Committee Executive Secretary
346 Rio Grande
Salt Lake City, Utah 84101-1106

Sincerely,

Gil Almquist
Washington County Commission Chair

Washington County Commissioner

CAO Response Enhanced Version

Submitted to
the SRC

07/11

Re: Washington County's Response Case No. 2024-115



→ Michael Clara <donmiguelisc@gmail.com>

Fri, Jul 12, 1:39 PM (5 days ago)

to Steven, SRC, nclawson@gmail.com, Eric, Devin, Victoria, Rebekkah, Mary

Mr. Scott,

In your Brief to the SRC, you state the following on point #5:

"Contrary to the Requester's assertions, the County Commission Chair did not claim that the Ipson Packets did not exist (Requester p. 2, no. 3). The County Commission Chair upheld the decision of the County Attorney's office to deny production or review of the Ipson Packets during the criminal investigation. Denial was appropriate under Utah Code Ann. 63G-2-305(10), (17) and (18). A consolidated appeal response was sent to Clara for his multiple requests for the Ipson Packets."

That statement references your Exhibit A, page 9 and 10 is the June 10, 2024 - CAO Appeal response letter from Commissioner Almquist.

However, the letter that you are presenting to the SRC is NOT the letter that was sent to me on June 10, 2024 from REcords Officer Decker.

In a follow up email, I will forward the email I received from Records Officer Decker. You will note that the attached letter makes no mention whatsoever of the concerns I raised in my appeal in reference to the Ipson list.

Can you please reconcile the two versions of the CAO response to me - the one that I received from the Records Officer and the revised version that you are presenting to the SRC.

Un abrazo,

Michael Clara

M: 801-205-0389

On Thu, Jul 11, 2024 at 6:09 PM Steven Scott <Steven.Scott@wcattorney.com> wrote:

All,

Please see Washington County's Response to the Requester's and Intervenor's Appeal Demanding Don Ipson's Candidate Signature Packets and Investigation Materials.



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