

**STATE RECORDS COMMITTEE  
PUBLIC NOTICE**

The State Records Committee will hold a meeting on **Thursday, October 9, 2014**. The meeting will be held in the Courtyard Meeting Room, State Archives Building, 346 South Rio Grande Street, Salt Lake City, Utah, beginning at 9:00 a.m. This is a public meeting, and anyone can attend. Committee business and two hearings scheduled.

**AGENDA**

**THIS HEARING CANCELED**

**Hearing: Lindsay Whitehurst, Salt Lake Tribune vs. University of Utah.** Ms. Whitehurst is appealing the denial of records detailing the relationship between the University's Moran Eye Center, Voyant Biotherapeutics and Allergan, Inc.

**THIS HEARING CANCELED**

**Hearing: Roger Bryner vs. Salt Lake City Police Department.** Mr. Bryner is appealing the partial denial of his July 17, 2014 records request related to SLCPD Case No. 14-118753. He is appealing the denial of the 911 recording, and fee waiver for the initial contact report and surveillance video.

**THIS HEARING CANCELED**

**Hearing: Alex Schmidt, Save Our Canyons vs. Utah Parks and Recreation.** Mr. Schmidt is appealing the denial of a fee waiver for records regarding the WOW trail and parking lot in Wasatch Mountain State Park.

**Hearing: Julie Holbrook vs. South Jordan City Council.** Ms. Holbrook is appealing the denial of the "Draft Report" for the audit of Mulligans. South Jordan City Council has provided all other documents requested except the audit Mulligan "Draft Report", stating it is not a record under U.C.A. 63G-2-103(22)(b)(ii) and U.C.A. 63G-2-305(22).

**BUSINESS**

**Approval of September 11, 2014, SRC Minutes, action item**

**Retention Schedules, action item**

**SRC appeals received**

**Cases in District Court**

**Other Business**

**Next meeting will be held November 13, 2014.**

**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.

**STATE RECORDS COMMITTEE MEETING**  
**Thursday October 9, 2014**  
**9:00 a.m.**

**Utah State Archives Building**  
**346 S. Rio Grande St.**  
**Salt Lake City, UT 84101**

**AGENDA**

**HEARINGS**

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**BUSINESS**

**Approval of September 11, 2014, SRC Minutes, action item**

**Retention Schedules, action item**

**Holly Betteridge and Doug Messerly to discuss DNR Ret. Sched.**

**SRC appeals received**

Cases in District Court

Other Business

Next meeting scheduled for November 13, 2014 @ 9:00 a.m.

**SRC Appeals Received  
October 2014**

**Pending Documentation/Other:**

**Hearing Denial/Incomplete Appeals:**

- 1 **14-54 Richard Gunn vs. UDC (Appealed 19 Sep).** Mr. Gunn is appealing the denial of a fee waiver for records requested from Clinical Services pertaining to Co-Pay and Medicare/Medicaid from 2010-present. The file does not meet the U.C. 63G-2-403(1)(a). Mr. Gunn submitted the appeal to SRC 135 day after the CAO denied fee waiver, 105 days past the 30 days required to appeal. The GRAMA request to the SRC is not specific to what records Mr. Gunn is requesting, he is merely asking for a fee waiver in the request form. In addition pursuant of R35-2-2(3), the file does not contain the initial records requests. Hearing denied due to exceeded timeframe to appeal SRC IAW R35-2-2 & 63G-2-403(1)(a). Consulted Chair.
- 2 **14-55 Nate Carlisle/Salt Lake Tribune vs. Hildale, UT (Appealed 19 Sep).** Mr. Carlisle is appealing the denial of the case financial settlement amount (Case No. 3:10-cv-08105-JAT). Mr. Carlisle contacted Mr. R. Blake Hamilton of Durham Jones & Pinegar law firm, verbally was told to submit a GRAMA request, Mr. Hamilton has not responded. Incomplete appeals process and documentation.
- 3 **14-59 Brett McCammon vs Central Utah Correction Facility (UDC) (Appealed 8 Oct).** Mr. McCammon is requesting an appeal to correct his Utah State Department of Corrections Division of Institutional Operations Offender Assessment/ Re-assessment Form completed by B. Rogers dated April 1, 2014. In addition to the amendment he is seeking transcripts of his sentence in 1998 Case No. 981908325. Incomplete appeals process and documentation. U.C. 63G-2-603(2)(a). Second portion of request referred to State Archives for response.
- 4 **14-60 Robert Baker vs UDC (Appealed 8 Oct).** Mr. Baker is appealing the denial of receiving copies of Policy and Procedures at Utah State Prison, a litigation. The Records Officer's response is that material is found in the Inmate Reference Library and available for viewing. U.C. 63G-2-201(8)(a)(v)(A). Mr. Baker did not complete the appeals process to the Chief Administrative Officer. Incomplete appeals process and documentation.
- 5 **14-61 Terry Marble vs Department of Corrections. Medical Services (Appealed 8 Oct).** Mr. Marble is requesting a copy of his mental health psych testing results from August 8, 2014. He states the Bureau of Clinical Services referred him to the SRC. There is no initial request, appeals, or denials in the file. Incomplete appeals process and documentation.

**Hearings Scheduled for October:**

- 6 **14-48 Alex Schmidt, Save Our Canyons vs. Utah Parks and Recreation (Appealed 23 Jul).** Mr. Schmidt is appealing the denial of a fee waiver for records regarding the WOW trail and parking lot in Wasatch Mountain State Park. Hearing canceled for October. Resolved through mediation.

- 7 **14-51 Julie Holbrook vs. South Jordan City Council (Appealed 25 Aug).** Ms. Holbrook is appealing the denial of the "Draft Report" for the audit of Mulligans. South Jordan City Council has provided all other documents requested except the audit Mulligan "Draft Report", stating it is not a record under U.C.A. 63G-2-103(22)(b)(ii) and U.C.A. 63G-2-305(22). Hearing scheduled for October.
- 8 **14-52 Roger Bryner vs. Salt Lake City Police Department (Appealed 25 Aug).** Mr. Bryner is appealing the partial denial of his July 17, 2014 records request related to SLCPD Case No. 14-118753. He is appealing the denial of the 911 recording, and fee waiver for the initial contact report and surveillance video. Hearing canceled for October. Resolved through mediation.

**Hearings Scheduled for November:**

- 9 **14-50 Scott Gollaher vs. Morgan County Sheriff's Office (Appealed 4 Aug).** Mr. Gollaher requested records from the Salt Lake Police Department, Weber County Sheriff's Office and Morgan County Sheriff's Office. The first two governmental entities do not hold the requested records. He was referred to the Morgan County Attorney General's Office for the records. Morgan County has not responded. Hearing is scheduled for November and will be telephonic.
- 10 **14-56 Dan Harrie/Salt Lake Tribune vs. City of West Jordan (Appealed 23 Sep).** Mr. Harrie is appealing the decision of City of W. Jordan to deny information of an individual and some language concerning a settlement agreement between the city administration and Justice Court Judge Ronald Kunz. The city is claiming attorney-client privilege on redacted sentences of the Settlement Agreement document and information requested. Hearing is scheduled for November.
- 11 **14-57 Laura Smith/Truth in Advertising, Inc. vs Department of Commerce: Division of Consumer Protection (Appealed 23 Sep).** Truth in Advertising. Org (TINA) requests copies of any and all complaints the State of Utah Department of Commerce: Division of Consumer Protection has received relating to Wake Up Now, a Utah company. TINA is requesting personal identifying information of the complaintant(s) be redacted. DCP denied access due to the records series is classified Private and Protected pursuant under 63G-3-302(2)(d) and 63G-2-305(10). The DCP stated no disciplinary actions have been taken against Wake Up Now. Hearing is scheduled for November will be telephonic.
- 12 **14-58 Jordanelle Special Service District (JSSD) vs Office of the Utah State Auditor (Appealed 7 Oct).** JSSD is appealing the decision of the Utah State Auditor decision to deny records that relate to a "Standstill Agreement." The Utah State Auditor denied the request based in part of an ongoing audit by the Office of Utah State Auditor, and the records are classified "Protected." Hearing will be scheduled for November.

## October 2014 Records Committee Case Updates

### District Court Cases

**Utah Dept. of Correction v. Campbell**, 3<sup>rd</sup> District, Salt Lake County, Case No. 140906834, Judge Parker, filed October 1, 2014.

**Current Disposition:** Complaint filed with Court, still needs to be served upon Committee and Campbell (Buzzfeed). Answer for the Committee already drafted, ready to file once we are served.

**Morgan Fife v. Orem City**, 4<sup>th</sup> Judicial District, Utah County, Case No. 140400007, Judge McVey, filed January 2, 2014.

**Current Disposition:** Motions for Summary Judgment filed by Mr. Fife on September 2, 2014 and Orem City on August 29, 2014. Both sides still need to file memoranda contra to each other's motions for summary judgment. Oral argument set for November 10, 2014 in Provo.

**Salt Lake City v. Jordan River Restoration Network**, 3<sup>rd</sup> Judicial District, Salt Lake County, Case No. 100910873, Judge Stone, filed June 18, 2010.

**Current Disposition:** On July 7, 2014, Salt Lake City filed a 44 page Motion for Summary Judgment, arguing that it was not required to waive the GRAMA fee. On August 15, 2014, Jordan River filed a Cross Motion for Summary Judgment claiming that Salt Lake City did not have standing to file an appeal with the Committee. Motions have been submitted to the court for a decision.

### Appellate Court Cases

**Attorney General Office. v. Schroeder**, Utah Supreme Court, Appeal No. 20121057.

**Current Disposition:** Case has been transferred and certified to the Utah Supreme Court as of January 31, 2014. Appellee (Attorney General Office) appellate brief filed on February 19, 2014, reply brief filed on April 22, 2014. Waiting for hearing date to be scheduled.

**Salt Lake City Corp. v. Mark Haik**, Court of Appeals Case No. 20130383.

**Current Disposition:** Decision rendered by Court of Appeals on August 14, 2014 (2014 UT 193). Haik filed a discretionary appeal with the Utah Supreme Court.