

# STATE RECORDS COMMITTEE

## NOTICE OF PUBLIC MEETING

Thursday, January 8, 2014 at 9:00 a.m. to 4:00 p.m.

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

**NOTE: The Chair may recess at 12:00 p.m. and may reconvene at 12:30 for lunch when there are two or more hearings scheduled.**

### AGENDA

#### TENTATIVE HEARING TIMES:

**9:00 a.m. to 1030 a.m. Maximino Arriaga vs. UDC (Appealed 17 Dec).** Mr. Arriaga is appealing the denial of an itemized service rendered record for medical expenses involving a disciplinary case and incident. The medical costs arose from injuries sustained by the individuals during an assault Mr. Arriaga was involved in. The records are classified private to other individuals pursuant to 63G-2-302(2)(d). Telephonic.

**10:30 a.m. to 1200 p.m. Scott Gollaher vs. Department of Public Safety, Div. of Peace Officers Standards and Training (POST) (Appealed 17 Dec).** Mr. Gollaher is appealing the failure of POST to respond to his GRAMA request for records specific to a Morgan County Detective that worked Mr. Gollaher's criminal case. Telephonic

**Harshad Desai vs. Tax Commission (Appealed 24 Nov).** Mr. Desai is appealing the denial of the appraisal report for his property and is requesting certification dates of the state employees. The Tax Commission records officer and/or CAO did not respond. Ex. Sec. contacted the Tax Commission to confirm that the ARO & CAO were contacted by Mr. Desai.

**Harshad Desai vs. Garfield Co. (Appealed 24 Nov).** Mr. Desai is appealing the denial of records pertaining to Garfield County Assessor Department employee's certification and meeting minutes. Garfield County Records Officer did not respond, however Mr. Desai did complete the appeals process and appeal to the chief administrative officer. 1 Dec., Mr. Desai faxed the CAO partial responses to his records request. Ex. Sec. contacted Garfield Co. to confirm that the ARO & CAO were contacted by Mr. Desai.

**Paul Amann vs. Department of Human Resource Management (Appealed 16 Dec).** Mr. Amann is appealing the denial of records pertaining to a “workplace harassment” allegation against him by an employee at the Department of Commerce. DHRM denied his request pursuant to Utah Code 63G-2-305(10)(a), (18), and (25) pending an investigation on subject’s conduct.

**CANCELED HEARINGS**

**Sheri Mandell vs. Dammeron Valley Fire Special District (DVF SSD) (Appealed 12 Dec).** Ms. Mandell is appealing the denial of receiving line item financial statements, records, fees and charges from the attorney(s) representing the DVF SSD in regards to all of the 2013-14 GRAMA requests by Ms. Mandell. In addition, Ms. Mandell was denied line item financial statements, records and payments from the DVF SSD to the DVF SSD attorney(s) in regards to all the 2013-14 GRAMA requests by Ms. Mandell. Telephonic.

**P. Robert Augason vs. University of Utah (Appealed 21 Oct).** Mr. Augason is appealing the denial of records relating to the property, income, and trademark rights associated with various block “U” trademarks.

**Richard Gunn vs. UDC (Appealed 9 Dec).** Mr. Gunn is appealing the denial of a fee waiver for records requested to submit as discovery in his case. The UDC denied his appeal based on that he has already received a fee waiver for more than 100 pages for 2014. Telephonic.

**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. 10 Oct presented incomplete appeals process and documentation. On 9 Dec presented complete documentation. Telephonic.

**BUSINESS**

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

**Retention Schedules, action item**

**SRC appeals received**

**Cases in District Court**

**Other Business**

**Next meeting scheduled for February 12, 2015 @ 9:00 a.m. to 4:00 p.m.**

**Appropriate monthly meeting dates scheduled throughout the year**

**Appoint a Chairman pro tem**

**Appoint an Executive Secretary**

**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

## Appeals Received

As of January 2015

### Pending Documentation/Other:

1. **15-01 Scott Gollaher vs. Utah Attorney General's Office, Criminal Division (Appealed 5 Jan).** Mr. Gollaher requested records from the Salt Lake Police Department in July and was referred to the Attorney General's Office for the records. He is appealing the AG response that they were unable to locate the requested records. The notice of appeal to the SRC is incomplete, Mr. Gollaher did not appeal to the chief administrative officer of the Attorney General's Office as directed by the AG. **Pending documentation an incomplete appeals process.**

### Hearing Denial/Incomplete Appeals:

- 2 **14-74 Richard Gunn vs. UDC (Appealed 9 Dec).** Mr. Gunn is appealing the denial of a fee waiver for records requested to submit as discovery in his case. The UDC denied his appeal based on that he has already received a fee waiver for more than 100 pages for 2014. **Hearing denied by Chair and second Committee member because the subject of the appeal has been found by the Committee in a previous hearing involving the same governmental entity. Case No. 14-12.**
- 3 **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. 10 Oct presented incomplete appeals process and documentation. On 9 Dec submitted CAO appeal documentation, Mr. Baker noted that another package is coming within a week containing more documents for his case. **Hearing denied by Chair and second Committee member because the subject of the appeal has been found by the Committee in a previous hearing involving the same governmental entity. Case No. 14-12.**

### Hearing Scheduled for January 2015:

- 4 **14-63 P. Robert Augason vs. University of Utah (Appealed 21 Oct).** Mr. Augason is appealing the denial of records relating to the property, income, and trademark rights associated with various block "U" trademarks. **Hearing is rescheduled for February.**
- 5 **14-71 Harshad Desai vs. Garfield Co. (Appealed 24 Nov).** Mr. Desai is appealing the denial of records pertaining to Garfield County Assessor Department employee's certification and meeting minutes. Garfield County Records Officer did not respond, however Mr. Desai did complete the appeals process and appeal to the chief

administrative officer. 1 Dec., Mr. Desai faxed the CAO partial responses to his records request. Ex. Sec. contacted Garfield Co. to confirm that the ARO & CAO were contacted by Mr. Desai. **Hearing scheduled for January.**

- 6 14-72 Harshad Desai vs. Tax Commission (Appealed 24 Nov).** Mr. Desai is appealing the denial of the appraisal report for his property and is requesting certification dates of the state employees. The Tax Commission records officer and/or CAO did not respond. Ex. Sec. contacted the Tax Commission to confirm that the ARO & CAO were contacted by Mr. Desai. **Hearing scheduled for January.**
- 7 14-75 Sheri Mandell vs. Dammeron Valley Fire Special District (DVF SSD) (Appealed 12 Dec).** Ms. Mandell is appealing the denial of receiving financial statements, records, fees and charges from the attorney(s) representing the DVF SSD in regards to all of the 2013-14 GRAMA requests, and the denial of financial statements, records and payments from the DVF SSD to the DVF SSD attorney(s) in regards to all the 2013-14 GRAMA requests by Ms. Mandell. Ms. Mandell appealed to the Washington County Commissioner, CAO, who partially granted Ms. Mandell's GRAMA request, however the County has not been nonresponsive in providing the records. **Hearing is canceled for January. Resolved through ombudsman.**
- 8 14-76 Paul Amann vs. Department of Human Resource Management (Appealed 16 Dec).** Mr. Amann is appealing the denial of records pertaining to a "workplace harassment" allegation against him by an employee at the Department of Commerce. DHRM denied his request pursuant to Utah Code 63G-2-305(10)(a), (18), and (25) pending an investigation on subject's conduct. **Hearing scheduled for January.**
- 9 14-77 Maximino Arriaga vs. UDC (Appealed 17 Dec).** Mr. Arriaga is appealing the denial of an itemized service rendered record for medical expenses involving a disciplinary case and incident. The medical costs arose from injuries sustained by the individuals during an assault Mr. Arriaga was involved in. The records are classified private to other individuals pursuant to 63G-2-302(2)(d). **Hearing scheduled for January.**
- 10 14-78 Scott Gollaher vs. Department of Public Safety, Div. of Peace Officers Standards and Training (POST) (Appealed 17 Dec).** Mr. Gollaher is appealing the failure of POST to respond to his GRAMA request for records specific to a Morgan County Detective that worked Mr. Gollaher's criminal case. **Hearing scheduled for January.**

**Hearing Scheduled for February 2015:**

- 11 14-79 Dan Harrie, Salt Lake Tribune vs. SLC Police Civilian Review Board (Appealed 29 Dec).** The *Tribune* is appealing the denial of a GRAMA request for copies of the Police Civilian Review Board report on the Dillan Taylor case. **Hearing scheduled for February.**

**Hearing Scheduled for April:**

- 12 14-73 Isaac Lemus vs. Department of Human Services, DCFS (Appealed 26 Nov).** Durham Jones & Pinegar, on behalf of the Lemus Family, is appealing the partial denial

SRC Appeals Received 2014 December

of Isaac Lemus' appeal to DHS. DHS redacted requested surveillance footage that now renders the video footage unintelligible. **Hearing is rescheduled for April.**

SRC APPROVED

Date January 8, 2015  
*[Signature]*

### SRC Proposed 2015 Annual Meetings

| DATE               | TIME      | Place of Scheduled Meetings  |
|--------------------|-----------|--|
| January 8, 2015    | 9:00 a.m. | Courtyard Meeting Room, State Archives Bldg,<br>346 S. Rio Grande Str., Salt Lake City, UT |
| February 12, 2015  | 9:00 a.m. | Courtyard Meeting Room, State Archives Bldg,<br>346 S. Rio Grande Str., Salt Lake City, UT |
| March 19, 2015     | 9:00 a.m. | Courtyard Meeting Room, State Archives Bldg,<br>346 S. Rio Grande Str., Salt Lake City, UT |
| April, 9, 2015     | 9:00 a.m. | Courtyard Meeting Room, State Archives Bldg,<br>346 S. Rio Grande Str., Salt Lake City, UT |
| May 14, 2015       | 9:00 a.m. | Courtyard Meeting Room, State Archives Bldg,<br>346 S. Rio Grande Str., Salt Lake City, UT |
| June 11, 2015      | 9:00 a.m. | Courtyard Meeting Room, State Archives Bldg,<br>346 S. Rio Grande Str., Salt Lake City, UT |
| July 9, 2015       | 9:00 a.m. | Courtyard Meeting Room, State Archives Bldg,<br>346 S. Rio Grande Str., Salt Lake City, UT |
| August 13, 2015    | 9:00 a.m. | Courtyard Meeting Room, State Archives Bldg,<br>346 S. Rio Grande Str., Salt Lake City, UT |
| September 10, 2015 | 9:00 a.m. | Courtyard Meeting Room, State Archives Bldg,<br>346 S. Rio Grande Str., Salt Lake City, UT |
| October 8, 2015    | 9:00 a.m. | Courtyard Meeting Room, State Archives Bldg,<br>346 S. Rio Grande Str., Salt Lake City, UT |
| November 12, 2015  | 9:00 a.m. | Courtyard Meeting Room, State Archives Bldg,<br>346 S. Rio Grande Str., Salt Lake City, UT |
| December 10, 2015  | 9:00 a.m. | Courtyard Meeting Room, State Archives Bldg,<br>346 S. Rio Grande Str., Salt Lake City, UT |



# 2015

**PRINT SERVICES**  
STATE OF UTAH

JANUARY

| S  | M  | T  | W  | TH | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    | 1  | 2  | 3  |    |
| 4  | 5  | 6  | 7  | 8  | 9  | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

FEBRUARY

| S  | M  | T  | W  | TH | F  | S  |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |

MARCH

| S  | M  | T  | W  | TH | F  | S  |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 |    |    |    |    |

APRIL

| S  | M  | T  | W  | TH | F  | S  |
|----|----|----|----|----|----|----|
|    |    | 1  | 2  | 3  | 4  |    |
| 5  | 6  | 7  | 8  | 9  | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 |    |    |

MAY

| S  | M  | T  | W  | TH | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    |    |    | 1  | 2  |
| 3  | 4  | 5  | 6  | 7  | 8  | 9  |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 |    |    |    |    |    |    |

JUNE

| S  | M  | T  | W  | TH | F  | S  |
|----|----|----|----|----|----|----|
|    |    | 1  | 2  | 3  | 4  | 5  |
| 6  | 7  | 8  | 9  | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 |    |    |    |

JULY

| S  | M  | T  | W  | TH | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    | 1  | 2  | 3  | 4  |
| 5  | 6  | 7  | 8  | 9  | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 |    |

AUGUST

| S  | M  | T  | W  | TH | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    |    |    |    | 1  |
| 2  | 3  | 4  | 5  | 6  | 7  | 8  |
| 9  | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| 30 | 31 |    |    |    |    |    |

SEPTEMBER

| S  | M  | T  | W  | TH | F  | S  |
|----|----|----|----|----|----|----|
|    |    | 1  | 2  | 3  | 4  | 5  |
| 6  | 7  | 8  | 9  | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 |    |    |    |

OCTOBER

| S  | M  | T  | W  | TH | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    |    | 1  | 2  | 3  |
| 4  | 5  | 6  | 7  | 8  | 9  | 10 |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 | 29 | 30 | 31 |

NOVEMBER

| S  | M  | T  | W  | TH | F  | S  |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 |    |    |    |    |    |

DECEMBER

| S  | M  | T  | W  | TH | F  | S  |
|----|----|----|----|----|----|----|
|    |    | 1  | 2  | 3  | 4  | 5  |
| 6  | 7  | 8  | 9  | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | 29 | 30 | 31 |    |    |

TEL: 801-538-8631 FAX: 801-538-8635 EMAIL: STATECOPYCENTER@UTAH.GOV

**List of State Records Committee Chairs**

Max Evans, Division of State History Director  
1992 – February 1999

Betsy Ross, State Auditor's Designee  
March 1999 – December 2000

Cherie Willis, Citizen Member  
January 2001 – February 2003

Robert Woodhead, Governor's Designee  
March 2003 – August 2003

Betsy Ross, State Auditor's Designee (Interim Chair)  
August 2003 – December 2003

Patricia Smith-Mansfield, Governor's Designee  
January 2004 – December 2006

Carl Albrecht, Citizen Member  
January 2007 – June 2008

Scott Whittaker, Private Sector Records Manager  
June 2008 – March 2011

Betsy Ross, State Auditor's Designee  
March 2011-December 2012

Lex Hemphill, News Media Representative  
January 2013 –October 2014

Patricia Smith-Mansfield, Governor's Designee  
November 2014 –

## January 2015 State 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 served on the Committee in December 2014. Answer filed on behalf of the Committee on January 7, 2015. Service has been completed on Campbell (Buzzfeed), but no answer has been filed yet.

**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:** Hearing being held today (January 8, 2015) on cross motions for summary judgment. AAG Alan Bachman is attending the hearing on behalf of the Committee.

### 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.