

STATE RECORDS COMMITTEE

NOTICE OF PUBLIC MEETING

Thursday, June 11, 2015 at 9 a.m. to 4 p.m.

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

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

AGENDA

HEARINGS:

Karl Losee vs. Utah Department of Corrections. Mr. Losee is appealing the partial denial of email correspondences classified "private" from 18 UDC staff members during the time frame March 6, 2014, to January 9, 2015. He is also appealing redaction and denial of emails from December 2009 to March 31, 2010, involving him and six UDC staff members listed on the GRAMA request. Telephonic.

Patrick Sullivan vs. Utah Department of Corrections, Clinical Services. Mr. Sullivan is appealing multiple denials ranging from fee waivers for medical provider charts and itemized medical bills, copies of x-rays from Sep. 19, 2014, to present, and an x-ray dated March 12, 2015. UDC has denied the fee waivers claims the inmate is not indigent. Telephonic.

Kevin Opsahl, *The Herald Journal* vs. Utah State University. Mr. Opsahl is appealing the University's decision not to release all contracts between Maverick and Utah State University related to the corporate sponsorship and renaming of Romney Stadium. The University has cited the records qualify as private records based on Maverick's claim of business confidentiality. Pursuant to Utah Code 63G-2-305, -309, and 53B-16-304.

CANCELED HEARINGS:

BUSINESS

Approval of May 14, 2015, SRC Minutes, action item

Retention Schedules, action item

SRC appeals received

Cases in District Court

Other Business

Next meeting scheduled for July 9, 2015 @ 9 a.m. to 4 p.m.

ADA: In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Nova Dubovik at the Utah State Archives and Records Service, 346 S. Rio Grande, Salt Lake City, Utah 84101, or call (801)531-3834, at least three days prior to the meeting.

Electronic Participation: One or more members of the State Records Committee may participate electronically or telephonically pursuant to Utah Code 52-4-207(2) and Administrative Rule 35-1-2. Please direct any questions or comments to: State Records Committee, Utah State Archives, 346 S. Rio Grande, Salt Lake City, Utah 84101 (801) 531-3834.

APPEALS TO THE STATE RECORD COMMITTEE: As of JUNE 2015

Archives Case No.	Case Title/ Participants	Records Sought	Notes	Status
2015-26	Ben Winokur, <i>PassportParking Software Developer</i> vs. Utah Tax Commission (Appealed 5 May)			Pending Documentation/Other
Mr. Ben Winokur, representing attorney on behalf of Passport Parking, is appealing the Utah Tax Commission's denial to obtain motor vehicle records to provide tools that allow Utah municipalities to collect on unpaid parking citations without booting or towing residents. Missing original request, governmental entities and CAO's denial letters. Incomplete notice of appeal to SRC.				
2015-27	John Rice vs. Utah Department of Corrections (UDC) (Appealed 5 May)			Pending Documentation/Other
Mr. Rice is appealing Utah Department of Corrections' denial to provide access to his background investigation for a position he applied for with UDC. Missing original request, governmental entities and CAO's denial letters. Incomplete notice of appeal to SRC.				
2015-30	Bodee X. Flynn vs. Department of Workforce Services (Appealed 7 May)			Pending Documentation/Other
Mr. Flynn is seeking a copy of DWS-ESD Form 20M, Mental Status & Treatment/Progress Report from the Department of Workforce Services. The notice of appeal is missing original request, governmental entity and chief administrative officer's partial or whole denial of records. Incomplete notice of appeal to SRC.				
2014-63	P. Robert Augason vs. University of Utah (Appealed 21 Oct)			Hearing Denied.
Mr. Augason is appealing the denial of records relating to the property, income, and trademark rights associated with various block "U" trademarks. Mr. Augason stated the respondent has not provided the requested records as promised. On March 19, 2015, SRC granted Mr. Augason a new hearing date. On May 14, 2015, Committee reviewed the University of Utah's motion to cancel and approved motion.				
2015-10	Thomas Dudley Beck vs. Bluff Water Works Special Service District			Other
Mr. Beck sent a Notice of Noncompliance by BWWSSD to the SRC. In the letter it was noted he had not received the records ordered regarding Case no. 15-11. However, BWWSSD filed a notice of compliance with the records committee and produced a record pursuant to Utah Code 63G-403(15)(c)(i)(ii). The Committee does not have statutory authority to grant the request to fine BWWSSD.				

<p>2015-19a 2015-20b 2015-21c 2015-22d</p>	<p>Patrick Sullivan vs. Utah Dept. of Corrections, Clinical Services (Appealed 20 April)</p>	<p>Telephonic Draper Hearing Scheduled June 11, 2015 @ 10 a.m.</p>
<p>Mr. Sullivan is appealing multiple denials ranging from fee waivers for medical provider charts and itemized medical bills, copies of x-rays from Sep. 19, 2014, to present, and an x-ray dated March 12, 2015, that are claimed to be maintained in the prison infirmary database system. UDC has denied the fee waivers claims the inmate is not indigent. UDC denied copies of x-rays claim it does not receive or maintain the records. Mr. Sullivan requested a subpoena for the x-ray technician's testimony. The Chair denied the request because the Committee has a written statement regarding the records availability in the database system.</p> <p>15-19a UDC does not receive or maintain x-ray copies and requesting fee waiver. Scheduled hearing for June.</p> <p>15-20b is requesting a fee waiver for copies of the University Medical Center medical bills from Sep. 1, 2014 and present. Scheduled hearing for June.</p> <p>15-21c Appealing UDC response it does not have March 12, 2015, x-ray, the March 12, 2015, date on the x-ray report is a typo. Scheduled hearing for June.</p> <p>15-22d requesting fee waiver for Provider Chart. Scheduled hearing for June.</p>		
<p>2015-28</p>	<p>Patrick Sullivan vs. Utah Dept. of Corrections, Clinical Services (Appealed 5 May)</p>	<p>Telephonic Draper Hearing Scheduled June 11, 2015 @ 10 a.m.</p>
<p>Mr. Sullivan is appealing a fee waiver denial for five various types of medical records and five various types of Adult Probation and Parole (AP&P) records. The ten records requests were denied because Mr. Sullivan does not meet the indigent status criteria for a fee waiver. In addition he requested an expedited hearing. The State Records Committee Chair did not grant an expedited hearing because the petitioner did not prove "good cause shown." Pursuant UC 63-2-20(4)(3)(a), 63G-2-403(4)(a)(i), and R35-6-2(4).</p>		
<p>2015-23</p>	<p>Karl Losee vs. Utah Department of Corrections (Appealed 23 April)</p>	<p>Telephonic Draper Hearing Scheduled June 11, 2015 @ 9-10 a.m.</p>
<p>Mr. Losee is appealing the partial denial of email correspondences classified "private" in relation to a March 6, 2014, attack that left him blind. He requested emails from 18 UDC staff members during the time frame March 6, 2014, to January 9, 2015. 15-23 and 15-14 have been combined because it is the same governmental entity.</p>		
<p>2015-14</p>	<p>Karl Losee vs. Utah Department of Corrections (Appealed 2 April)</p>	<p>Telephonic Draper Hearing Scheduled June 11, 2015 @ 9-10 a.m.</p>
<p>Mr. Losee is appealing the redaction and denial of emails from December 2009 to March 31, 2010, involving him and 6 UDC staff members listed on the GRAMA request. On April 29, 2015, SRC received governmental entity and original request to schedule a hearing.</p>		

2015-24	Kevin Opsahl, <i>The Herald Journal</i> vs. Utah State University (Appealed 29 April)		Hearing Scheduled June 11, 2015
	Mr. Opsahl is appealing the university's decision not to release all contracts between Maverick and Utah State University related to the corporate sponsorship and renaming of Romney Stadium. The university has cited the records qualify as private records based on Maverick's claim of business confidentiality. Pursuant to Utah Code 63G-2-305, -309, and 53B-1-6-304.		
2014-73	Isaac Lemus vs. Department of Human Services, DCFCS (Appealed 26 Nov)		Hearing Rescheduled July 9, 2015
	Durham Jones & Pinegar, on behalf of the Lemus Family, is appealing the partial denial of Isaac Lemus' appeal to DHS. DHS redacted requested surveillance footage that now renders the video footage unintelligible. Hearing postponed for May 14, 2015, and rescheduled on July 9, 2015.		
2015-31	Patrick Sullivan vs. Utah Department of Corrections (UDC) (Appealed 14 May)	Telephonic Draper	Hearing Scheduled July 9, 2015
	Mr. Sullivan is requesting a fee waiver and refund for medical records requested and received in the amount of \$2.50.		
2015-32	Corydon Day vs. Utah Department of Corrections, AP & P (Appealed 21 May)	Telephonic Draper	Hearing Scheduled July 9, 2015
	Mr. Day is appealing the partial denial of "ALL DETAILED CRIMINAL HISTORY NOTES" from 2006 to current.		
2015-33	Patrick Sullivan vs. University of Utah Healthcare	Telephonic Draper	Hearing Scheduled July 9, 2015
	Mr. Sullivan is requesting medical records on paper format because he is an inmate and unable to received CD Rom format in the prison. The University of Utah Health Care has not provided the requested records in specified format.		
2015-35	Nate Carlisle, <i>The Salt Lake Tribune</i> vs. Washington County Attorney's Office (WCAO) (Appealed 9 June)		Pending review
	Mr. Carlisle is appealing the Washington County Attorney's Office (WCAO) partial denial of records responsive to a multi-jurisdictional task force examining the FLDs and a search warrant 1314885.		
2015-34	Jason Behar vs. Department of Human Resource Management (Appealed 8 June)		Pending review
	Mr. Behar is appealing the partial denial of "[a]ll records the state of Utah has with my name on it." DHRM partially denied access to witness statements, investigative records, and personal recommendations. In accordance with Utah Code 63G-2-302 and 305.		
2015-36	Gray Smith vs. Cottonwood Heights City, Utah (Appealed 9 June)		Pending review
	Mr. Gray is appealing the partial denial of requested copies and records of inquiries and City's investigations of improper communications. Emails from March 18 and 20, 2015 were not provided because of attorney client privileges. Utah Code 63G-2-305.		
2015-37	Michael Clara vs. Salt Lake City School District (Appealed 9 June)		Pending review
	Mr. Clara is appealing the partial denial of requested copies of records pertaining to the Salt Lake City Police and removal from the Board of Education meeting and all communications referencing petitioner between Board of Education, SLC School District, and SLC personnel.		

SCHEDULE
ADMINISTRATIVE RECORDS

AGENCY HISTORY RECORDS (Item 1-76)

These records document the organization and reorganization of governmental entities. Information includes history, functional information, organizational files and related records.

no change in retention

RETENTION

Permanent.

SUGGESTED PRIMARY CLASSIFICATION

Public.

FORMAL OPINION RECORDS (Item 1-75)

These are the formal legal opinions researched, written and published by attorneys. They are necessary to maintain consistency of opinion in related matters.

no change in retention

RETENTION

Permanent.

SUGGESTED PRIMARY CLASSIFICATION

Public.

LEGAL COUNSEL RECORDS (Item 1-74)

These are legal interpretations given by attorneys at the request of governmental entities asking for guidance in enforcing, obeying, and/or interpretation of the law.

*Does not include case files.
We couldn't agree on a # of years
which works for everyone, so we went
w/ admin. need.*

RETENTION

Retain until administrative need ends and then destroy.

SUGGESTED PRIMARY CLASSIFICATION

Public.

SCHEDULE
HUMAN RESOURCE RECORDS

STAFF ACQUISITION RECORDS (Item 11-61)

Records related to the recruiting and hiring of employees, including candidates not hired. The resume and application of hired individuals are part of the Employee History Records.

RETENTION

Retain by from application for 2 years and then destroy.

*2 years comes from
Utah Code 31-46-203(2)*

SUGGESTED PRIMARY CLASSIFICATION

Private: Utah Code 63G-2-302 (2)(a)(2014).

(Approved 05/15)

SCHEDULE
PROPERTY RECORDS

RIGHT OF WAY RECORDS (Item 14-5)

These records document both the acquisition of property for the purpose of right of way projects and the sale of surplus property after project completion. Information may include a description of the property, property appraisal, offer to purchase, statement of compensation, copies of contracts, agent log, payment closing statements, maps and plat.

RETENTION

Permanent.

SUGGESTED PRIMARY CLASSIFICATION

Private: Utah Code 63G-2-302 (2)(a)(2014).

(Approved 07/90)

SCHEDULE
PURCHASING RECORDS

REQUEST FOR PROPOSAL RECORDS (Item 13-17)

These records are bids and proposals to provide products or services for a governmental entity. Information includes preliminary requirements for procurement of a commodity or service.

RETENTION

Retain for 4 years after project complete and warranties have run. and then destroy.

*Retention based on
Utah Code 10-6-122(2)(a)*

SUGGESTED PRIMARY CLASSIFICATION

Private: Utah Code 63G-2-302 (2)(a)(2014).

(Approved 07/90)

June 2015 State Records Committee Case Updates

District Court Cases

Utah Dept. of Human Resources v. Paul Amann, 3rd District, Salt Lake County, Case No. 150901160, filed February 19, 2015.

Current Disposition: Case under seal because of subject matter, getting very complicated with multiple motions for intervention, motion for summary judgment, opposing motions, and potential of appeal being filed from May 2015 Committee decision being combined with this appeal.

Daniel Rivera Jr. v. Utah Department of Human Services, Division of Child and Family Services, 3rd District, Salt Lake County, Case No. 150900589, Judge Toomey, filed January 27, 2015.

Current Disposition: Service not completed within required time. A motion to dismiss case will be prepared by either DHS or counsel for Committee.

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

Current Disposition: Pretrial conference set for June 17, 2015 to discuss trial dates.

Appellate Court Cases

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

Current Disposition: Oral argument heard by Utah Supreme Court on April 1, 2015. Case has been submitted to the Court for decision.

Sullivan Records Request Outline

Appeal # 1: Denial of x-ray images from Sep.19, 2014, to current, request # 21908,
Exhibit G

-Requesting fee waiver denial of x-ray images from Sep. 19, 2014, to current, request # 21908

Appeal #2: Fee waiver denial for the Provider Charting Sep. 2014 to current, request # 21928, Exhibit J

Appeal #3: Denial of x-rays dated March 12, 2015, request # 22048, Exhibit N

Appeal #4: Fee waiver denial for itemized medical bill, Appeal Packet #22002, Exhibit T

Appeal #5: Fee waiver denial for 5 medical records and 5 Adult Probation and Parole records-subject of the records

5a: Ortho Consult Report 9-22-1410-20-14, Exhibit U

5b: Infirmary schedule for 9-22-2014 &10-20-14, Exhibit V

5c: Infirmary phone call log 9-19-14 to 9-30-14, Exhibit W

5d: All AP&P detailed field notes, progress, violation reports, Jan 2013-May 2015, Exhibit X

5e: AP&P call logs, text messages between AP&P agent: May 2013 to current, Exhibit Y

5f: AP&P email regarding self from Jan. 2013-Mar. 2015, Exhibit Z

5g: AP&P email regarding self from Jan. 2013-Mar. 2015, Exhibit AA

5h: AP&P DOPL report: Jan to May 2014 or 2012-2015 (attached sheet explaining what he is seeking on the DOPL report, Exhibit BB

5i: Prescriptions written Sep. 18, 2014 to current, Exhibit CC

5j: X-ray report March 12, 2015, Exhibit DD