

SRC APPROVED

Date February 13, 2012

SLM

State Records Committee Meeting

Division of Archives, Courtyard Meeting Room

January 12, 2012

Salt Lake City, Utah

Members Present: Lex Hemphill, Media Representative
Scott Daniels, Citizen Representative
Doug Misner, History Representative
Betsy Ross, Auditor's Office Representative
Ernest Rowley, Elected Public Official
Patricia Smith-Mansfield, Governor's Designee
Scott Whittaker, Private Records Manager

Legal Counsel: Paul Tonks, Attorney General's Office
Amanda Jex, Attorney General's Office
Ed Lombard, Attorney General's Office

Executive Secretary: Susan Mumford, Utah State Archives

Attending via telephone: William Burgess, Appignani Humanist Legal
Center, petitioner

Others Attending: Erin Alberty, Salt Lake Tribune
Lindsey Ballard, Attorney General's Office
R. Boddy, UTA
Joshua Bullough, Archives staff
Rosemary Cundiff, Archives staff
Carl Dinger, Petitioner
Glen Fairclough, Archives staff
Judy Fahys, Tribune, petitioner
Mike Hansen, Community & Culture
Dan Harrie, Salt Lake Tribune
Madeleine Kerksiek, Archives volunteer
Katherine Kinsman, Attorney General's Office
Jennifer Rigby Kohler, Attorney for UTA
Ross Larsen, UTA
Travis Monson, Citizen
Erica Shuban, Public Information, UTA

Ms. Betsy Ross called the meeting to order at 9:30 a.m. She welcomed the parties for the first hearing and explained the procedures. She explained that a pre-hearing conference had been successful in narrowing the issue of the first hearing to a log of the records withheld out of a much greater list. The records withheld and their classifications were listed on the log. The records had not been released to the Committee prior to the hearing. Given the number of records involved, the Committee would probably not be able to review all of them in camera during the hearing. Mr. Misner and Ms. Smith-Mansfield recused themselves from the hearing. Mr. Misner was an employee of the Department of History. Ms. Smith-Mansfield had advised the Department of Community and Culture on their records management program.

Hearing – Judy Fahys, Tribune vs. Division of Community and Culture

Judy Fahys and Dan Harrie introduced themselves as the petitioners. Katherine Kinsman introduced herself as the attorney representing the Department of Community and Culture. Ms. Kinsman said the records in question for the hearing were provided to the executive secretary of the State Records Committee the day before the hearing. Ms. Mumford said the electronic files received from Community and Culture had been printed and were divided into sections as listed on the log. The records were available for the Committee to view in camera.

Statements of parties

Ms. Fahys said Mr. Harrie would speak as the petitioner. Mr. Harrie said he had understood a response to the records produced was in order. He said there had not been sufficient time to search through the 5200 documents released. Ms. Kinsman explained how the log accounted for only the records withheld. She read from the log and cited the law used to classify each group of the withheld records. Mr. Harrie distributed a statement to the Committee. He asked that the Committee review the documents in question. He questioned the accuracy of the log, especially the designation of “draft” documents. It was unclear whether in each case there had been a final document produced from the draft. He said the documents released to the Tribune had been provided on a thumb drive. He said a review of those documents had not begun. The multiple documents had been produced as the result of agreed upon search terms and were not necessarily relevant to the request for information about the firing of the archeologists. He acknowledged the Committee did not have time to go through the 70 or so documents listed on the log during the hearing. He trusted that the Committee would be able to view the records and decide if the classifications were accurate. Ms. Kinsman said there had been actually 5400 records on the thumb drive and approximately 70 documents were listed on the log as having been withheld. She thanked Ms. Ross and the

staff of Community and Culture as well as the Committee members for aiding in the process of producing the records and narrowing the scope of the request. Ms. Ross asked if the parties would stipulate to allow a review of the documents in camera and a continuation of the hearing until next month. The parties so stipulated. Mr. Hemphill made a motion that the hearing be continued so the Committee members could review the documents. Mr. Whittaker seconded the motion. A vote was taken. Mr. Daniels, Mr. Hemphill, Ms. Ross, Mr. Rowley, and Mr. Whittaker voted in favor of the motion. The motion passed unanimously. Ms. Smith-Mansfield and Mr. Misner rejoined the Committee for the next hearing. The Committee members took a short break.

Approval of Minutes

Mr. Daniels made a motion to approve the minutes of September 8, 2011. Mr. Hemphill said that when he made a correction in the September minutes, another section of the minutes had been inadvertently deleted. He had alerted the secretary and the deleted part was added again. Ms. Smith-Mansfield seconded the motion. Mr. Hemphill added the correction as a friendly amendment. Mr. Rowley seconded the amended motion. A vote was taken. Mr. Daniels, Mr. Hemphill, Mr. Misner, Ms. Ross, Mr. Rowley, Ms. Smith-Mansfield, and Mr. Whittaker voted in favor of the motion. The minutes of September 8, 2011 were approved. Mr. Hemphill made a motion to approve the minutes of November 22, 2011. Ms. Smith-Ms. Smith-Mansfield seconded the motion. A vote was taken. Mr. Daniels, Mr. Hemphill, Mr. Misner, Ms. Ross, Mr. Rowley, Ms. Smith-Mansfield, and Mr. Whittaker voted in favor of the motion. The minutes of November 22, 2012, were approved.

Hearing – Carl Dinger vs. Cottonwood Heights City

Ms. Ross reviewed the procedures for a hearing. Mr. Carl Dinger introduced himself. Ms. Jennifer Rigby said she had been appointed by the city of Cottonwood Heights to represent them. She said she was in-house counsel for Utah Transit Authority.

Opening – petitioner and respondent

Mr. Dinger introduced himself. He said that he had made GRAMA requests to both Cottonwood Heights City and to UTA for records regarding his complaints about the behavior of UTA police personnel. The GRAMA request that was the topic of the current hearing was his request to Cottonwood Heights City. The request was for an investigation made by Cottonwood Heights City Police Department. The investigation was regarding UTA personnel. Mr. Dinger had made accusations of misconduct of the UTA Police Department personnel. Mr. Dinger had asked for an investigation and had subsequently been fired from UTA. Ms. Jennifer Rigby, representing UTA and Cottonwood Heights City, said that Mr. Dinger had made a number of complaints to Cottonwood Heights City

about the misconduct of UTA police personnel. She questioned the timeliness of his appeal to the State Records Committee. Mr. Dinger said he filed a GRAMA request on August 19, 2011, to Cottonwood Heights City for a copy of the Cottonwood Heights investigation of Utah Transit Authority Police Department. Mr. Dinger said he had been the one who requested the investigation and should be given a copy. He had contacted the CEO of UTA, Mr. Greg Hughes. He said he was the victim of the investigation and also the complainant. The complaint involved members of the police department of UTA, supervisors as well as the security manager. Linda Dunlavy responded to the GRAMA request after 13 business days. The date on the response letter was September 2, but was postmarked September 6, 2011. It was mailed on September 7, 2011. Mr. Dinger was denied access to the report. The city claimed release of the report would interfere with an ongoing investigation and would be an unwarranted invasion of personal privacy. It was also claimed that release of the record was not in the public interest. Release of the report was in the public interest, Mr. Dinger said, as it concerned safety issues on public transit. As a victim and the complainant, he appealed again on September 29, 2011, for an unredacted copy of the investigation. The investigation had been concluded in January of 2011. Cottonwood Heights changed the investigative report to a policy review. Ms. Stillman, city manager, sent another letter on October 6, 2011. She said the report was being prepared as a draft combining the reports from February 13, 2011, May 25, 2011, and July 12, 2011. Ms. Stillman cited 49CFR 15 (20.5)(11), referring to sensitive security information, as a reason not to release the unredacted report. Mr. Dinger said the matter was of public interest and renewed his request for a full, unredacted copy of the report.

Motion to dismiss – respondent

Ms. Rigby presented a motion to dismiss the case on behalf of Cottonwood Heights City. Ross Larsen, UTA Chief of Police, and Lieutenant Richard Boddy had been asked to be present at the hearing. Ms. Rigby had told them the hearing would start at about 11:00 a.m. They had information regarding the substantive matters. Ms. Rigby said the city submitted a motion to dismiss as well as a denial of the appeal of the petitioner because the appeal was untimely pursuant to UC 63G-2-403(1). A petitioner had 30 days to appeal a denial from the chief administrative officer. Ms. Lianne Stillman issued her decision on October 6, 2011. Mr. Dinger's appeal to the State Records Committee was filed on November 15, 2011, about 45 days after Ms. Stillman's denial. Pursuant to UC 63G-2-403(2)(c), Mr. Dinger said he had assumed he had thirty business days to appeal since the response from the city should have been made in five business days. Ms. Rigby said the city made the decision to release the redacted report and waive any fees because their response had been a few days late. Mr. Dinger's appeal had been significantly late. The topic of counting days was discussed. Mr. Hemphill made a motion to reject the motion to dismiss and

proceed with the hearing. Mr. Daniels seconded the motion. A vote was taken. Mr. Daniels, Mr. Hemphill, Mr. Misner, Ms. Ross, Mr. Rowley, Ms. Smith-Mansfield, and Mr. Whittaker voted in favor of the motion. The motion carried. Mr. Hemphill said that both sides had missed deadlines and the hearing should proceed. Ms. Ross said that Mr. Dinger had already offered his opening argument. She asked Ms. Rigby to present her argument.

Opening statement – respondent

Ms. Rigby said the complaints of Mr. Dinger had necessitated a review by UTA management. The petitioner was dissatisfied with the review. UTA felt an outside party conversant in law enforcement issues should conduct a review. Another police department, the Police Department of the City of Cottonwood Heights, was enlisted to conduct the investigation. An initial memorandum was prepared by Cottonwood Heights Police Department. UTA had some questions about the memorandum. The city later overturned a number of findings in the memorandum based on UTA's review. The city manager decided the three part report was the final report. Very few redactions were made in the report provided to the plaintiff. The redactions consisted of unsubstantiated allegations and information protected under federal law.

Testimony – petitioner

Mr. Dinger said he had covered everything in his opening remarks. The initial investigation was requested by Greg Hughes, CEO of UTA, after Mr. Dinger's allegations of misconduct of UTA police personnel were reported. Mr. Hughes sought out the police department of Cottonwood Heights City to do an impartial investigation after meeting with Mr. Dinger. The names of police officers could be redacted from the report as Mr. Dinger was also a police officer and was acquainted with the officers involved. The information in the report would be impossible to correct or refute unless access were given to all of the information in the report. Mr. Dinger asked the Committee to look at the report and make an honest decision about releasing it. Ms. Ross asked Mr. Dinger why he thought the federal law cited by Ms. Rigby did not apply. He said the law applied to persons who did not have access to secure areas. He was a police officer on the trains and buses as were the other police officers. No sensitive security issues were in question. The law was not a valid reason for denying him access to the report.

Testimony – respondent

Ms. Rigby said that pursuant to UC63G-2-201(3)(b), protected records included records to which access was restricted due to federal regulations including entities participating in and receiving federal funds. UTA was a covered entity under federal regulations. Records of UTA were covered under homeland security regulations. Names and identifying information

of transportation security personnel were protected under the federal law: 49CFR 15 (20.5) (b)(11)(a). Also protected were details of any alleged violation of rail transportation security requirements. Redacted information also included unsubstantiated allegations. In a prior State Records Committee decision, Clanton vs. Department of Corrections, the Committee upheld the Utah Department of Corrections classification of protected for unsubstantiated allegations against an individual employee. The petitioner was not necessarily the subject of the record even though he requested the investigation. The city decided in favor of protecting information. Many of the redacted portions of the report did not involve the petitioner in any way. The city requested that the Committee deny the petitioner's appeal for the unredacted report. Ms. Rigby said she had the redacted and the unredacted reports if the Committee would like to view them.

Closing – petitioner

Mr. Dinger said UTA employees were state, not federal, employees. The unredacted report included information that police officers carrying weapons were under the influence of alcohol. He did not see what could have been redacted that was more serious. Mr. Dinger said he had not seen a log that Ms. Rigby referred to. Ms. Rigby said it was a list of the redacted items from the report. Mr. Dinger said it must be a UTA record. The hearing dealt with only the Cottonwood Heights records. Ms. Ross said the Committee had received the log as part of the Cottonwood Heights documentation and Mr. Dinger should have received it as well. He believed he was entitled to the unredacted report so that he could check its accuracy and completeness.

Closing – respondent

Ms. Rigby said that the redactions in the report were very limited. UTA provided the exact copy the city provided. The few redacted parts involved unsubstantiated allegations and information that was protected under federal law. Those were the only items redacted by the city. The city erred on the side of redacting less than was justified under GRAMA. The city did not believe the petitioner to be the subject of the record. The use of alcohol by UTA personnel was not redacted from the report. Apparently the city found merit to the accusation and it was not redacted. The city requested that the Committee deny the unredacted report on the basis of the redactions being justified under the laws cited. Mr. Rowley asked Ms. Rigby how disclosure of the redacted information could affect public safety. Ms. Rigby said that UTA employees had to have confidence in management. Substantiated accusations had been released as part of the report. Unsubstantiated accusations could lead to a lack of confidence in security and public safety as enforced by the UTA officers.

Mr. Daniels made a motion that the Committee go in camera to review the records in question. Ms. Smith-Mansfield seconded the motion. A vote was taken. Mr. Daniels, Mr. Hemphill, Mr. Misner, Ms. Ross, Mr. Rowley, Ms. Smith-Mansfield, and Mr. Whittaker voted in favor of the motion. The motion passed unanimously. The committee went into closed session.

Closed session 11:14 a.m. – 12:26 p.m.

Ms. Smith-Mansfield made a motion that the Committee return to open session. Mr. Hemphill seconded the motion. A vote was taken. Mr. Daniels, Mr. Hemphill, Mr. Misner, Ms. Ross, Mr. Rowley, Ms. Smith-Mansfield, and Mr. Whittaker voted in favor of the motion. The Committee returned to open session.

Deliberation

Ms. Ross explained that in closed session no substantive discussion took place about the records. Mr. Rowley asked the city if a reference to an allegation in the report had since been investigated. Ms. Rigby said an investigation had been made and the allegation of misconduct was unsubstantiated. Mr. Daniels made a motion that the names were not protected records and should be disclosed. Ms. Smith-Mansfield seconded the motion. Mr. Hemphill made a substitute motion that the redacted portions of the record be released with the exception of the last two paragraphs on page 13, part of the appendix. Mr. Whittaker seconded the motion. The redactions were justified under 63G-2-302(2)(d). “data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.” Mr. Daniels made a substitute motion that all the redactions be disclosed except those identifying the race of a person. Ms. Ross seconded the motion. A vote was taken Ms. Smith-Mansfield, Mr. Daniels, and Mr. Whittaker voted in favor of the motion. Mr. Misner, Mr. Hemphill, Mr. Rowley, and Ms Ross voted against the motion. The motion failed. Mr. Hemphill’s motion to release all redacted information except for the last two paragraphs on page 13 was reinstated. Mr. Rowley added an amendment to include anything that would disclose the race of a person. The motion had been seconded by Mr. Whittaker. A vote was taken. Mr. Daniels, Mr. Hemphill, Mr. Misner, Ms. Ross, Mr. Rowley, and Mr. Whittaker voted in favor of the motion. Ms. Smith-Mansfield voted against the motion. The motion passed. Ms. Ross said an order would be sent to the parties within five days.

Break 12:45 p.m. – 12:59 p.m.

Hearing – William Burgess, Appignani Humanist Legal Center vs. Utah Transit Authority

Ms. Ross contacted Mr. Burgess by phone and explained the procedures of the hearing. Ms. Jennifer Rigby, attorney for UTA, and Ms. Erica Shuban, public relations and marketing director for UTA introduced themselves

Opening statement, petitioner

Mr. Burgess said he represented the United Coalition of Reason. The coalition attempted to advertise on the trains of UTA. They were refused. Mr. Burgess said UTA referenced an advertising policy prohibiting any non-governmental, non-commercial advertising on their trains. A request was submitted for documents relating to the refusal to run the ads. Some documents were provided, but not others. At issue for the appeal were copies of all advertisements either accepted or rejected in the year preceding the request. The reason for seeing the documents was to verify whether UTA followed their policy or whether they were violating the first amendment. Free speech rights were at issue since the UTA trains are government property. The consistent implementation of a policy was at issue. The request included copies of proposed and accepted or rejected advertisements. Cited as the reason for denial of the records was UCA 63G-2-103(b)(22)(iv). UTA claimed that access to the advertisements was limited by the laws of copyright. Mr. Burgess said copyright law did not totally limit access to the advertisements because of the fair use provision in the copyright law of 1976. Limited use of copies was permitted because of public interest.

Opening statement -- respondent

Ms. Rigby said the law of copyright prohibited copying and use of advertisements. Lamar Advertising, which controlled the contracts of advertisements for UTA, verified that the Coalition of Reason had submitted advertisements which did not meet the parameters of UTA's policy. UTA's Board of Trustees has adopted an advertising policy which controls content of the advertising. None of the prior communications with Mr. Burgess revealed that he represented the United Coalition of Reason. The request was received from Appignani Humanist Legal Center. Section 103 of Utah code did limit access to copyrighted material. Copyright experts had been consulted. Their opinion was contrary to Mr. Burgess' representation of the fair use portion of the law. Some records were released with the provision that fees would be required. No payment of the fees as a deposit had been made before the scheduling of the hearing. Contracts with Lamar Advertising would have to be checked to see if permission was available for Lamar Advertising to share the copyrighted information.

Testimony – petitioner

Mr. Burgess argued that the copyright law did not restrict UTA's distribution of the advertisements. The copyright law granted copyright holders the exclusive right to make and distribute copies of their work. However the right was not intended to be absolute. It allowed for fair use of work without the copyright holder's consent and without an infringement of copyright. No permission or arrangement with copyright holders was required other than deciding if the fair use provisions applied. Fair use considerations include the following:

1. The purpose and character of use; inspection of a single copy for non-commercial use.
2. The nature of the work at issue; commercial advertisements.
3. The percentage of the work to be used would be 100%.
4. The effect of use upon the market for the ads would be: negligible.

A limited distribution of the ads to Mr. Burgess for non-commercial purposes would be within the definition of fair use. Neither the copyright holders nor anyone else would be prohibited from distributing copies of the ads after having met the four considerations for fair use distribution. The assessed fees that had not been paid had been sent to UTA and the bill was current. Prospective fees for copies would be paid, but fees for employee time or for attempting to get permission from copyright holders did not seem a legitimate expense.

Testimony, respondent

Ms. Rigby said she had copies of the copyright law, sections 106 and 107 if the Committee wished to review the law. UTA had consulted outside counsel on the copyright law. There was a disagreement on the doctrine of fair use. Copyright holders have the right to display, distribute, prepare derivative works, modify the work, perform, and reproduce works of art. Fair use provided a limitation on the copyright for purposes of criticism, comment, news reporting, teaching, scholarship, and research. Those provisions are identified in the statute and provide limitations on the exclusive rights under the provisions of copyrights. Criticism of the work itself rather than criticism of another party's implementation of the work is governed by the fair use provision. The actual use of the information, once released, could not be confirmed. The fair use provision is not provided to gain access to material; rather it is to limit the further use of copyrighted material. UTA had requested prepayment of fees on at least four occasions and had not received confirmation of willingness to pay from the petitioner.

Closing – petitioner

Section 107 of the copyright act documents exceptions to the exclusive rights of copyright holders. Use of the term "such as" suggests the fair use examples do not constitute an exhaustive list. The Committee was urged to accept the word of Mr. Burgess that no commercial use of the ads was

intended. He represented the United Coalition of Reason. The purpose of their request was to ascertain if first amendment rights were being violated under UTA policies of accepting or rejecting advertisements. The organization Mr. Burgess worked with was a 501C3, a non-profit organization. There was no commercial or profit intent in obtaining the advertisements. Access to the records requested was non-commercial and in the public interest. No reuse of the ads was intended. Mr. Burgess said the request was consistent with GRAMA's purpose of public access to information and with the fair use provision of the copyright law. He thanked the Committee for the opportunity to present the case and for their time.

Closing – respondent

Ms. Rigby said access to the advertisements was limited by copyright law. There was no indication that the fair use provision of the copyright law was applicable in the case. Fair use did not provide access to copyrighted material. It was only a protection for the uses provided under the four factors earlier enumerated. UTA had responded to Mr. Burgess that the requested documents were not records, but were copyrighted materials. UTA requested advance payment according to the provisions of GRAMA for the records they were able to provide.

Deliberation

Mr. Rowley made a motion that the Committee deny access to the requested documents pursuant to UCA 63G-2-103(22)(b)(iv)...”a record does not mean material to which access is limited by copyright laws or patent unless the copyright or patent is owned by a governmental entity or political subdivision.” Ms. Smith-Mansfield seconded the motion. Mr. Hemphill said it seemed clear that the use of the materials, if released to Mr. Burgess, would be to see if a public agency was adhering to its policies, a legitimate public interest. Mr. Hemphill said he would not support the motion. Ms. Ross said looking at the entire ad made sense, and looking at the total number of ads accepted and rejected would serve Mr. Burgess' purposes. Mr. Rowley said he did not think the Committee had jurisdiction over the ads because the terms of the contract between UTA and Lamar Advertising were not known. A vote was taken. Voting for the motion were Ms. Smith-Mansfield and Mr. Rowley. Voting against the motion were Mr. Hemphill, Mr. Misner, Ms. Ross, and Mr. Whittaker. The motion failed. Mr. Whittaker made a motion that through fair use, copies of the records should be provided. Mr. Misner seconded the motion. A vote was taken. Voting in favor of the motion were Ms. Ross, Mr. Hemphill, and Mr. Whittaker. Voting against the motion were Mr. Misner, Ms. Smith-Mansfield, and Mr. Rowley. The motion failed. Mr. Misner made a motion that access to the records be granted. The records could be viewed but not copied because the copyright was not held by the governmental entity. Ms. Smith-Mansfield seconded the motion. A vote

was taken. Voting in favor of the motion were Mr. Misner and Ms. Smith-Mansfield. Voting against the motion were Mr. Hemphill, Ms. Ross, Mr. Whittaker, and Mr. Rowley. The motion failed. Mr. Whittaker made a motion that access to the advertisements be granted. He withdrew the motion. Mr. Rowley asked the petitioner if access to the documents would be sufficient. Mr. Burgess said he could find someone to visit the offices in Salt Lake City to view the documents. Ms. Rigby said the documents could be made available to view. Ms. Ross suggested the parties agree to a stipulation. Mr. Whittaker made a motion that the Committee order the parties agreed upon stipulation, that the advertisements in question would be available for viewing. Mr. Burgess agreed that viewing the advertisements would suffice. Ms. Rigby stated that a fee would be associated with assembling the documents, but that no copies would be made. Mr. Rowley seconded the motion. A vote was taken. Mr. Hemphill, Mr. Misner, Ms. Ross, Mr. Rowley, Ms. Smith-Mansfield, and Mr. Whittaker voted in favor of the motion. The motion passed. Ms. Ross said that an order would be prepared and sent to the parties within five days.

Break 2:30 p.m. – 2:45 p.m.

Proposed change

Mr. Tonks presented a revision to law, UCA 63G-2-205(2). The current law required that a notice of denial contain the following information: “A description of the record or portion of the record to which access was denied, provided that the description does not disclose the private, protected or controlled information.” See the attached proposal for enhanced wording according to the proposal by counsel, Mr. Tonks. Ms. Ross suggested that the only change was the addition of the word “log.” The current provision in GRAMA requires that the records in question be available at the scheduled hearing. Requiring a log before the time of the actual hearing would require a change in statute.

Appeals received during the month

Eight appeals were received during the month. See attached report.

District Court cases

Mr. Tonks reported on cases in District Court. See attached report.

Adjournment 3:10 p.m. – next meeting scheduled for February 16, 2012, at 9:30 a.m.

STATE RECORDS COMMITTEE
January 12, 2012
State Archives Building, Courtyard Meeting Room
346 S. Rio Grande (450 West), Salt Lake City
9:30 a.m.

HEARING

- 1. Judy Fahys, Salt Lake Tribune vs. Division of Community & Culture**
- 2. William Burgess, Appignani Humanist Legal center vs. UTA**
- 3. Carl Dinger vs Cottonwood Heights City**

BUSINESS

- 1. Approval of September 8, 2011 SRC Minutes, action item**
- 2. Approval of November 22, 2011 Minutes, action item**
- 3. Enforcement of settlement agreements, discussion item**
- 4. requirement for log for denied records, discussion item**
- 5. SRC appeals received since last meeting**
- 6. Cases in District Court**
- 7. Other Business**

ADJOURNMENT

Next meeting scheduled for February 9, 2012, at 9:30 a.m.

SRC Appeals Received
January, 2012

1. **Reginald Williams vs. UDC.** Mr. Williams requested copies of contracts with Sibetts Consulting. UDC responded that it did not maintain the contracts. After talking with Suzanne Young from UDC, I wrote a letter to Mr. Williams referring him to State Purchasing.
2. **Paul Kimball vs. UDC.** Mr. Kimball requested mental health records. Request incomplete. I wrote to him about gaining access to his mental health records through a social worker.
3. **Nate Carlisle, Tribune vs. Brigham City.** Mr. Carlisle requested access to a murder suicide note. Attorney for the heirs objects to release. Brigham City changed ordinance to allow for hearing with SRC.
4. **Lynn Jenkins vs. Clearfield City.** Mr. Jenkins requested laws "used in taking of Steed Pond." He was referred to the Research Room. A letter was sent to him. Clearfield City has its own GRAMA ordinance. His next level of appeal would be to the City Council.
5. **Gordon Thomas vs. Corrections.** Not a hearing request. A notice of intent to appeal denial of a hearing before SRC for mental health records.
6. **Lawrence Jackson.** Letter complaining to Kim Hood about failure to receive an order. The order was sent to him on October 26, 2011. His letter is dated December 14, 2011.
7. **Renee Christensen vs. Canyons School District.** Ms. Christensen wrote a letter requesting procedures for an appeal for records denied from the school district. I spoke with her on the phone to explain procedures.
8. **Lani Ete vs. Human Services.** Ms. Ete requested copies of records of her phone calls and letters to DCFS requesting that information be amended in the files of her grandchildren. She wanted to verify that the corrections had been made. She was sent a denial of the records by HS because she was not the subject of the record. She was also sent a copy of the law UCA 63G-2-603. The law is about amending a personal record.

January 2012 Records Committee Case Updates

District Court Cases

Attorney General Office. v. Schroeder, 3rd District, Salt Lake County, Case No. 110917733, Judge Hansen, filed Sept. 21, 2011; Case No. 110917703, Judge Medley, filed Sept. 20, 2011.

Current Disposition: Answers filed on behalf of Committee in both cases. Motion to consolidate two cases filed by Attorney General Office on Oct. 14, 2011. Motion to consolidate granted on January 3, 2012.

Nakamura v. Salt Lake City, 3rd Judicial District, Salt Lake County, Case No. 100917589, Judge Medley. Filed September 17, 2010.

Current Disposition: Answer filed for Committee on September 28, 2010. SLC filed their answer on October 8, 2010. Show cause hearing scheduled for January 26, 2012 at 8:00 A.M.

Attorney General Office v. Peterson, 3rd Judicial District, Salt Lake County, Case No. 100911772, Judge Reese. Filed July 1, 2010.

Current Disposition: Both parties' motions for summary judgment hearing argued on November 30, 2011. Court issued a decision on the motions for summary judgment on January 11, 2012 granting each motion in part. A sealed order detailing what records should be released was also issued but has not been received by the Committee at this time.

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

Current Disposition: The Court had an in court status/scheduling conference on August 11, 2011. The Court requested that the parties conclude discovery and submit their motions for summary judgment for consideration by the Court.

Maxfield v. Lieutenant Governor, 3rd Judicial District, Salt Lake County, Case No. 100907599, Judge Shaughnessy. Filed April 28, 2010.

Current Disposition: Hearing held on June 13, 2011 for Lieutenant Governor's partial motion for summary judgment. Court granted the motion finding that the "manner of setting and amount of the fee, being neither a records access determination nor a claim concerning an unreasonable denial of a fee waiver, is not within the power and authority of this Court under GRAMA."

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January 12, 2012
State Archives Building, Courtyard Meeting Room
346 S. Rio Grande (450 West), Salt Lake City
9:30 a.m.

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