NOTICE OF GRAMA RECORDS APPEAL TO STATE RECORDS COMMITTEE

To: Gina Proctor
Executive Secretary of the State Records Committee
346 S. Rio Grande
Salt Lake City, Utah 84101-1106
Phone: 801.531.3834
Email: gproctor@utah.gov

From: C. Edward Bennion

Re: Notice of GRAMA Appeal to State Records Committee
Utah Attorney General's Office Request #19-123

December 26, 2019

Dear Ms. Proctor and Committee Members,

I am timely appealing the decision of the Utah Attorney General's Office (UAGO) regarding my GRAMA Request #19-123. A copy of my original GRAMA Request, dated September 27, 2019, is attached with this electronic submission; as is the Response to GRAMA Request #19-123, dated October 11, 2019, from Mr. Lonny Pehrson; along with my timely Notice of GRAMA Appeal [to the Chief Administrative Officer (CAO)] of GRAMA Request #19-123, dated November 9, 2019; and, the Appeal from response to GRAMA Request #19-123, dated November 26, 2019, from Mr. Tyler R. Green.

I am requesting this GRAMA Appeal be granted and placed on the agenda to argue this matter before the State Records Committee (Committee), at the earliest opportunity (February). A previous appeal was made to the Committee for similar records from a different time-period.

During argument on that matter Mr. Pehrson argued how the UAGO was not previously tracking time spent or costs to the agency on litigated legislation which their office defends. He further stated how the UAGO had implemented new tracking procedures that should make this type of information available to requestors.

Despite this assurance, the UAGO has failed to produce any records to the request despite or regardless of "new tracking procedures." During the requested time-period litigation was continuing regarding the legislation and the UAGO was engaged in the matter. Any "reasonable search" should have produced records germane to the request.

Further, Mr. Pehrson's failed to address response to each particular request made. His lack of specificity, overly broad and nonspecific response in failing to address each specific request meant it was not possible to submit a more precise appeal to the UAGO CAO. Regardless, upon appeal the UAGO CAO did not request any clarification on any part of the appeal.

The CAO also errs or incompetently asserts the request is somehow a "duplicate request" in part. It is not. It is a request for records from a time-period not previously requested and it appears that by making this inane assertion the agency is trying to make muddy the waters of a clear specific new request. Additionally it should be noted that nowhere in my appeal or original request was there any records request regarding duplicate time-periods or records. There was no need for the CAO to address a non-issue in this appeal.

Further… Why does it take an "Appeal to the CAO" to obtain production of records that should have easily been identifiable and produced under a "reasonable search" of the initial records request? Is the agency not taking requests seriously when they are submitted? Is the agency intentionally drawing out the process to make a requestor incur additional time and expenses? Maybe make it so deadlines are missed? Whatever the reason the UAGO has unclean hands and has a demonstrated attitude of resisting and fighting requests. Just look at how many times the UAGO has been appealed to this Committee in the past 3 years.

While the CAO appeal produced a limited records response, the records produced appear lacking, inadequate or incomplete given the reasonable specificity of my request and dollar values identified in the produced records. Further they appear to be a listing of records rather than actual record themselves.

Wherefore, I ask the Committee to grant appeal on this matter and order the production of all records germane to my records requests of September 27, 2019 from the UAGO. Thank you for your attention. Please contact me if you have any questions regarding this timely appeal.

Respectfully,

/s/ Chad

C. Edward Bennion