Per ... 2015

GRAMA Notice of Appeal to State Records Committee

Note: Utah Code § 63G-2-403 (GRAMA) provides that any person may further appeal the chief administrative officer's denial of an appeal by filing a notice of appeal with the State Records Committee. This notice must be filed within 30 days of the response from a governmental entity's chief administrative officer or 45 days if the chief administrative officer failed to make a determination.

Requester's Information

Name: Kurt Bailey Date: 9/21/2015

Address:

City/State/Zip:

Daytime telephone number:

Make request to

Nova Dubovik
346 South Rio Grande Street
Salt Lake City, Utah 84101
ndubovik@utah.gov

Explanation of Relief Sought

Note: Relief can relate to conflicts over denial of access to records (Utah Code § 63G-2-402) as well as disputes over fees (Utah Code § 63G-2-203(6)) or extraordinary circumstances (Utah Code § 63G-2-402)).

The State Records Committee can also use the weighing provision to order the release of records that are properly restricted if it determines that the interests favoring access are greater than or equal to the interests favoring restriction (Utah Code § 63G-2-203(11))

See attached page.

Inclusions for notice of appeal

The State Records Committee requires documentation and has specific appeals procedures which are outlined in Administrative Rule: Title R35. Administrative Services, Records Committee, and should be reviewed by a petitioner.

This petition to appeal to the State Records Committee requires the following attachments or inclusions:

- ☑ Statement of facts, reasons, and legal authority in support of this appeal (see Utah Code § 63G-2-403(3)(b)).
- ☑ Original GRAMA request
- ☑ Notice of denial from the governmental agency's records officer
- ☑ Notice of appeal to the governmental entity's chief administrative officer
- ☑ Notice of denial from the governmental entity's chief administrative officer

This notice of appeal must, **on the same day**, also be forwarded to the governmental entity to which the records request was made (Utah Code § 63G-2-403(3).

- ☑ Notice of appeal sent to agency

Request assistance

A petitioner may request assistance from the government records ombudsman. The ombudsman's responsibility is to serve as a resource for a person who is filing an appeal relating to a records request. The ombudsman may also attempt to mediate disputes between requesters and responders (Utah Code § 63A-12-111(2)).

Rosemary Cundiff
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I am submitting this GRAMA request to the State of Utah, since I have not received the dash camera video and the radar training certificates for the officer and the vehicle radar equipment certification that was used for citation #P10329319. I have submitted four different requests which are included. I have only received the Officer Report for Incident 15-P000817 and the body camera recording. My GRAMA denials were improperly handled by Perry City and the Perry City Police Department who did not legally follow the GRAMA laws.

I have submitted four GRAMA requests. The first GRAMA request was on July 20, 2015 which requested all video for the citation above. I received a call from Perry Police Administrator, she told me that I could not receive the video. I went to the city offices a couple days later on July 27, 2015 and requested a denial in writing as stated per Utah code 63G-2-205. The Police Administrator/Secretary wrote my denial at that time. In that written denial, Chief Dale Weese told here to write "video is evidence and could not be released." He also stated, "I may request a copy by filing a motion of the court." I did not find a filing a motion with the court included in denials per Utah code 63G-2-205, instead it states under sub section (c) "the requester has the right to appeal the denial to the chief administrative officer of the governmental entity". I felt I was improperly denied my rights under Utah codes 63G-2-201 and 63G-2-202.

I decided to be safe and submit a second GRAMA request on July 27, 2015. This second GRAMA requested, "All video and recording including but not limited to dash cam., body camera, and any other audio and or video taken or used." In this GRAMA request I also requested, "Radar training certificate for the officer & vehicle radar equipment used for citation #P10329319." I received a written denial again on July 29, 2015. I was again told to file "a motion of discovery with the Box Elder Justice Court since this is an on-going investigation." I do not under understand the reasoning given that it was an "on-going investigation" since I was immediately given the citation on July 18, 2015. I was not given a reason to the denial of the officer's radar certificates and training.

In the process of complying with Utah code 63G-2-205 (denials), I appealed these denials to the Chief Administrator of Perry City dated August 6, 2015. I did not receive a verbal or written response.

In the meantime I had tried to contact the city attorney (William Morris) to file "a motion of discovery with the Box Elder Justice Court". I left voice mail messages with the purpose to file "a motion of discovery with the Box Elder Justice Court". He finally left me a voice mail message to meet with him at the court house on August 19, 2015, but did not respond to my questions. My first contact with William Morris was at the Box Elder Court House on August 19, 2015. I showed him my GRAMA requests. He said that he did not have any video (body camera and dash camera video) and the radar training certificates for the officer and the vehicle radar equipment certification. He asked me to resubmit the same request again, which I mailed on the next day, August 20, 2015. Only the body camera video was sent to me and was postmarked on August 25, 2015. I feel my court appearance was not fair and that I could not defend myself properly, since I did not receive everything requested. Again, I have not received the dash camera video and the radar training certificates for the officer and the vehicle radar equipment certification. I did not receive the body camera video until after my court date and after the sentence was issued even though sufficient time was given according to the GRAMA laws.

There are several reasons way I am submitting this request to the State of Utah. I still feel bullied and a misuse of power by Perry City and the Perry City Police Department. I now have a fear of the Perry Police Department, instead of respecting them. Yesterday evening I was driving in my vehicle, a Perry Police Officer closely followed me for no apparent reason for 1 mile, until the end of Perry City limits. The Perry Police know where I live and what vehicles I drive. My family and neighbors have noticed increased patrols for no apparent reason, than they were previously performed prior to July 18, 2015.

I would like to talk to someone at the State of Utah to discuss this further. You can contact me at

Thank you for reading and responding to this request. It is much appreciated.

Thank you, Kurt Bailey