

#2017-05

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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 no later than 45 days after the records request was made if the following occur: the governmental entity claims extraordinary circumstances, and the chief administrative officer failed to make a determination.

Requester's Information

Name: Jennifer Baptista Date: _____

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 printed sheet -

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)).

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State Records Committee,

I am requesting the written minutes taken at the Pleasant Grove City meetings by the city recorder. These are public meetings and her written minutes should be public records. The city attorney has classified these minutes as the city recorders personal notes and drafts. My request has been denied based on this classification by the attorney.

I am challenging this classification and request that they are reclassified as public records. My understanding of these notes/drafts are they are taken at the time and during the duration of an open public meeting, documenting the events, names/addresses of the public speakers, motions, votes, quotes of elected city officials and staff on city business and agenda items, etc.

How are these personal notes/drafts? I believe these are the public meeting written minutes and request that they are treated as such. It is reasonable to also believe that these written minutes are being used to edit/alter the transcribed minutes that are used and approved as the official meeting minutes.

As a reporter, I am mandated by the paper I write for to only report on facts because my articles are challenged by elected officials. My main assignment is to report on city council meetings. I am also required to retain documents/proof to verify that my articles are factual when they are challenged. Any alterations to these minutes may conflict with the articles I write and may make challenges to the facts of the meeting more difficult. I rely on all public records, as soon as they are available, of these meetings in writing my articles along with my own notes of the meeting.

My request was denied based on codes:

63-2-305 (22)- I challenge this based on these are taken during the city council meeting as an act of the city recorders official duties in conducting city business.

63-2-103(22)(B)(ii)- I challenge this on the basis of not proving these are personal and not related to the public business.

My appeal is based on codes:

63-G-2-102 (1(a)), (3(a,b,c,d,e,f))

63G-2-201 (2), (5(c)(i)(a)), (11), (13)

63G-2-202 (7(d)), (8(ii)(b))

63G-2-301 (2), (2(c,d,e,k)), (3(k)), (4)

63-2-103 (22(a))

63-2-204 (3(a)), (4), (6d)