

#2017-44

REC'D APR 28 2017

To: Nova Dubovik
Executive Secretary of the State Records Committee
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Salt Lake City, Utah 84101-1106
Phone: 801.531.3834
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From: Chad Bennion

Re: Notice of GRAMA Appeal to State Records Committee
Utah Attorney General's Office Request #17-011

April 12, 2017

Dear Ms. Dubovik and Committee Members,

I am timely appealing the decision of the Utah Attorney General's Office (UAGO) regarding my GRAMA Request #17-011. A copy of my original GRAMA Request, dated January 15, 2017, is attached with this electronic submission; as is the Response to GRAMA Request #17-011, dated February 3, 2017, from Mr. Lonny Pehrson; along with my timely Notice of GRAMA Appeal [to the Chief Administrative Officer (CAO)] of GRAMA Request #17-011, dated March 5, 2017; and, the Appeal from response to GRAMA Request #17-011, dated March 13, 2017, from Mr. Parker Douglas.

I am requesting my GRAMA Appeal be placed on the agenda to argue this matter before the State Records Committee (Committee), at the earliest opportunity, and asking the Committee to grant my appeal and issue an order granting my review of the requested records and potential copying of these records. I think and believe oral argument is necessary to address a number of incorrect, inaccurate, and misleading assumptions, assertions, and representations made by the UAGO in both the Response and the Appeal from response to GRAMA Request #17-011 regarding my records request.

In my Notice of GRAMA Appeal, I briefly provide the facts in ¶ 2: the date of my request; Mr. Pehrson's assertion of a largely duplicative request; and how Mr. Pehrson describes the position of the UAGO and their claims regarding events surrounding my prior request and appeal. I then state clearly and directly in ¶ 3, "I appeal the denial of my records request of January 15, 2017."

That singular statement is a dispute of the UAGO's response, and my seeking relief by an appeal. Despite that Mr. Douglas incorrectly asserts in the Appeal from response... "your appeal

does not dispute Mr. Pehrson's determination." If I did not dispute Mr. Pehrson's determination(s), why did I file an appeal? I appealed, as anyone would in an appeal, because I disagree and dispute the conclusion(s) and decision to deny my request. However, because the UAGO raised the issue of duplicative requests, I reserved the right to incorporate and address anything related to the prior request with the Committee, because the UAGO asserted the issue. Further, it is somewhat puzzling in that the UAGO asserts duplication of requests in the Response and attempts to concur with the assertion(s) and decision of that document in the Appeal from response to GRAMA Request #17-011, when ¶ 3, page 2 acknowledges this request is different, "[b]ased on your appeal, it appears that you are not just seeking a more detailed ledger or spreadsheet for the Litigation Fund than is available online but, rather, the source documents... related to each and every transaction for the Attorney General Litigation Fund for the time period you have identified." This statement/acknowledgment by UAGO undercuts the prior assertion(s) and decision in the Response and in Appeal from response to GRAMA Request #17-011, demonstrating the request is different from what they thought. The UAGO cannot, with legitimacy in this instance, claim my records request is duplicative of a prior request while simultaneously claiming it is different. This is just not reasonable.

I believe the above examples demonstrate sufficient foundation for the Committee to grant hearing on this appeal, particularly as 63G-2-403 (3)(b) is permissive that an appellant "may file a short statement of facts, reasons, and legal authority in support of the appeal[.]" beyond the requirements of 63G-2-403 (3)(a) where, as the appellant I am required to give notice to the agency, the UAGO. Further, I am concerned about convoluting this appeal by attempting to address all the proffered and potential arguments of the UAGO, and other defects in the responses and denials. Each response or denial from the UAGO has proffered additional resistance or argument against granting my request. I think it is more preferable to address any issues raised by the UAGO in oral argument rather than attempt a written pleading to anticipate shifting arguments, as is occurring in this matter. Therefore, I would reserve the right to address any issues or matters before the Committee relevant to this appeal or reserved in any of the attached documents.

This is my first appeal to the Committee and I am representing myself. I am appealing the decision(s) of the UAGO and disputing their claims and conclusion(s) regarding GRAMA Request #17-011. I do think the UAGO is making this matter more difficult than it needs to be. The Attorney General Litigation Fund is statutorily created and part of the ongoing annual budget. I am concerned over the level of resistance I have received from the agency over this request. This should not be a difficult request for the UAGO to comply and provide.

Lastly, if there are any applicable rules for these proceedings I would appreciate being directed to them. Thank you for your time and consideration. Please contact me if you have any questions or require anything additionally.

Sincerely,

/s/ Chad Bennion

Chad Bennion