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Per 

GRAMA Notice of Appeal to State Records Committee

Requester's information:

Roger Bryner

Appeal to:

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

Notice to the entity:

Adam Lenhard, Clearfield City Manager
Nacy Dean, Recorder
55 South State Street
Clearfield UT 84015
adam.lenhard@clearfieldcity.org
nancy.dean@clearfieldcity.org

Explanation of Relief Sought

I am appealing the denial of the GRAMA request of July 10, 2015 attached to this Appeal as Exhibit A. I am asking the records committee to order:

- 1) The city of Clearfield to turn over all responsive documents to the July 10, GRAMA request, without exception.
- 2) Granting of a Fee waiver.
- 3) That the City of Clearfield comply with the requirements of GRAMA requiring a response within 10 days including but not limited to:
 - a) A response classifying the documents as public or otherwise per law.
 - b) For any public documents a copy of the documents electronically.
 - c) For any other documents a copy subject to limits on further disclosure.
 - d) For any documents not provided, a roll of descriptions and reasons.
 - d) A notice that any response can be appealed and the time limits for this.
 - e) The name and address of who the appeal should go to.

Facts and attachments

The original GRAMA request is attached as Exhibit A. It was sent by email to nancy.dean@clearfieldcity.org on 7/10/2015, and a copy of both the email and .pdf attachment is attached in this exhibit. Exhibit B shows the city web site claiming the correct person to send a GRAMA request to was the recorder.

Notice of denial from the governmental agency's records officer is not included, as she ignored the GRAMA request and instead forwarded it to the City Prosecutor. He responded pursuant to Criminal Rule 16, but both he and the records officer ignored the law under GRAMA. The response was incomplete, and focused on the records that the prosecutor intended to use at trial, and denial of documents he did not think were relevant to his case was made without any required steps (classification, etc) under GRAMA. However for completeness, this response is included as Exhibit C.

I waited until after the expiration of 10 business days from the original request in the hopes that some official GRAMA response would be forthcoming. That deadline was calculated by me to be July 27, 2015. The next day, on July 28, 2015 I sent the appeal attached as Exhibit D. I consulted the Clearfield City Code for the correct procedure on appeal, as there was no notice as required under GRAMA. The correct person is shown to be the city manager in Exhibit E, appeals pages from the code. The deadline for the chief administrative officer to respond was yesterday. As of today, no mailed response or email response has been received, thus I am appealing.

Additional legal authority and facts

I am impecunious, without income, and receiving food stamps in the maximum allowed for my household size due to my low income. Thus I qualify for the low income prong of a fee waiver under UCA 63G-2-203(b). All of the records impact my rights. Contrary to the representations of the City Prosecutor, the adequacy of the public defenders in the City of Clearfield does impact my rights.

Secondly under UCA 63G-2-203(c) I am the subject of many of the records. Thus a fee waiver is appropriate under this section for some, but not all, of the records.

Thirdly it would benefit the public immensely to hold that the public defender representation of the City of Clearfield was inadequate, thus a waiver for the financial records requested in paragraph 15 including all contracts and payment records (which should be public information already) should be granted under UCA 63G-2-203(a)

I hereby incorporate all of the argument and legal authority cited in my appeal to the city manager into this appeal. Additionally, it would be a denial of due process to not allow free amendment of this document as the City of Clearfield will likely respond for the very first time at hearing before the records committee, and I would be prejudiced by allowing an attorney to make an argument without notice of the argument to me. Therefore I ask first that you prohibit the City of Clearfield from opposing the relief I have requested on any grounds, due to their failure to respond. If this is not the case, I ask for the right to appeal any subsequent response just as if they had followed the law in the first case.

Dated August 5, 2015



Roger Bryner