

e-mail: ndubovik@utah.gov

#2017-106

Dear Nova Dubovik;

Enclosed are copies of denial letters from the Office of the Utah Attorney General. Last fall I was sharing with my State Legislator my concerns about possible unethical behavior by attorneys in the Utah Attorney General's Office. My legislator gave me the name of Missy Larson in the Utah A.G.'s Office. Over a few months, we emailed back and forth. She was not willing to honestly address my concerns. As you will see she was unwilling to do anything because of a court ruling that was based on the false information presented by States Attorneys. As long as the Attorney General's Office continues to use such evidence for their lack of action there is a need to hold these attorneys accountable so others will not have to suffer the injustice my family and I have had to endure.

Attached are the following:

1. records I received. The GRAMA specialist sent me an email with a 465-page attachment. Only about 8 pages were not the emails I had previously sent or received from the A.G.'s office. These extractions show extreme unprofessional actions. He wrote, "This does not include copies of records which provided to us and are already in your possession". This is clearly not a true statement. I was told I owed \$100.00 for 5 hours of research. It took me less than 15 minutes to pull up my original emails. I sent \$25.00 anyway. You would need to see what I have received to determine if I was overcharged for records I already had.

2. The portion of the records I extracted that were new to me.

3. The 2 letters I received from the Utah Attorney Generals Office concerning my records request. Note Bridget K Romano wrote her letter was also being sent via U.S. Mail. I did not receive a copy via U.S. Mail, (another example of untrue statements by those in the Attorney Generals office).

My records request focused on if Utah General Attorney Sean Reyes was aware of my concerns and what, if anything, he directed his employees to do in regards to my concerns. I believe it is the public's right of access to information concerning the conduct of the public's business when a complaint is filed about unethical behavior by States Attorneys.

The A.G.'s office said there was 55 pages of additional records they would not share with me because they are protected under Utah code 63G-2-305 (17) records that are subject to the attorney-client privilege; (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding; (22) drafts, unless otherwise classified as public;

I ask the State Records Committee to order the Utah A.G.'s office to do the following:

1. waive the fee remaining for records I had already received in spite of Lonny Pehrsons statement " This does not include copies of records which provided to us and are already in your possession"

2. Please send the records they have yet to send because I am the subject of those records. I wonder what the Administrators of the Utah A.G.'s office are trying to hide. Utah Code (63G-2-102 says the Legislative intent is (1) In enacting this act, the Legislature recognizes two constitutional rights: (a) the public's right of access to information concerning the conduct of the public's business) (b) the right of privacy in relation to personal data gathered by governmental entities.

What personal data is the Attorney Generals Office gathering, in this situation and what right do they have to withhold this information about me, from me.

Because I intend to report back to my State Legislator about my experience with the Utah Attorney General's and how they treat complaints I believe it is my right of access to information concerning the conduct of the public's business. I will share my experience with others, as well. I have no record of how long they spent on it and where they searched. Given my experience with the AG's office, I can not believe anything they say without supporting evidence.

3. Clearly, state who their client is, (see 17 above), what litigation or a judicial, quasi-judicial, or administrative proceeding they anticipate (see 18 above) or what are they preparing a draft for (see 22 above).

4. If the Office of the Utah Attorney General cannot justify the records or time they claim they spent on my request, I ask the State Records Committee to order them to return my \$25.00.

5. send me copies of any records of my conversations with Taylor Greene 13 June 2017 about my concerns of unethical behavior of Assistant Attorney Generals. His verbal response to my concerns was "it doesn't matter".

Attached are documents related to my GRAMA request. My experience with the A.G.'s office coincides with some of the findings of the two audits of their office. The employees are not clear as to their job descriptions and there are issues of lack of transparency and accountability. There is no clear "whistleblower" protection. I have to wonder if I was charged the \$100.00 as a reprisal for complaining about the unethical behavior of the States Attorneys

We, as taxpayers, pay them to uphold the Constitution but my experience is that they don't.

If you have any questions or need additional information, please email me at .

Sincerely,

Albert Cramer

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 (Optional)

Notice of decision 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 346 South Rio Grande Street Salt Lake City, Utah 84101 rcundiff@utah.gov (801) 531-3858

4 attachments

 20 June 2017 letter to Sean Reyes.odt
7859K

 20 Sept 2017 AG letter. CramerGRAMAAppeal.09202017.pdf
176K

 ACFrOgDf_pni5n92hGxIMaqCH8v1S8TDfc6FwCE33RdMgTBly1OjzTkXk02NqMvGQrhhK
R5LQECTObANUgfcNgY4O5n9-gU32HSfqZpF2Xy4AoweRTyGNQIY1aj_Klg=.pdf
78K

 Aug 2017 AG GRAMA response parts I had not seen.odt