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HARSHAD P. DESAI  
PANGUITCH, UT 84759

<p><b>UTAH STATE RECORDS COMMITTEE</b>          346 SOUTH RIO GRANDE, SALT LAKE CITY, UT 84101-1106          (P) 801-531-3861, 3848 (F) 801-531-3854  <a href="http://archives.utah.gov/src-members.html">http://archives.utah.gov/src-members.html</a></p>	
<p><b>HARSHAD P. DESAI</b>           (Appellant / petitioner)           v.   <b>PANGUITCH CITY CORP.</b>          (1) Tyrissa P. Howell – City Recorder.          (2) Lori Talbot – City sr. recorder + city manager.           (Appellee / Respondent / Defendant)</p>	<p style="text-align: center;"><b>APPEAL</b></p> <p>State of Utah statute – <b>63G-2-101</b></p> <p>GRAMA requests not responded by the respondent.</p> <p>State of Utah Record Committee:</p> <p>Patricia Smith Mansfield – Chair, Governor’s Designee.          David Flaming – Private sector Records Mgr.          Ernest Rowley (Local Government)          Holly Richardson – Citizen Representative.          Marie Cornwell – Citizen Representative.          Doug Misner – State History Designee          Blaine Breshears – Political Subdivision Elected Official.          Tom Haraldsen – News Media Rep.          Paul H. Tonks (Assistant Attorney General, Serves as counsel to the committee).</p> <p><b>NOVA DUBOVIK – Executive Secretary</b>          (E) <a href="mailto:ndubovik@utah.gov">ndubovik@utah.gov</a> (P) 801-531-3834  <b>KIMBERLY K. HOOD – Executive Dir.</b></p>

**FACTS:**

- (1) Panguitch City Corporation ordinance – Any one carrying out any kind of commercial activity(ies) – temporarily / short term or permanent / long term – must have permit / license from Panguitch City Government.
- (2) Records of city permit / license of any business / commercial activity in Panguitch City limit is public record.
- (3) Any one (individual or company) has right to compete in market place and anyone has right to have knowledge / access to seek competitive product in market place. Any game by any authority is violation of Anti-Trust law, malfeasance, discrimination, malicious activity, etc; for personal gains.
- (4) (i) GRAMA – submit to Panguitch city recorder – Submitted to city recorder. -----

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- denied.
- (ii) Submitted to Lori Talbot (City Manager / senior recorder) ----- No response.
  - (iii) Next step is to submit the requests to Adjudication body ----- Panguitch City has no adjudication body.
  - (iv) Next step is to appeal to State Record Committee.

## **JUNE 24, 2014 - PANGUITCH CITY COUNCIL MEETING – Page # 4.**

“Cheryl Church: Main Street Manager Cheryl Church was present and requested to speak to the council. Cheryl Church began by inviting all council members and their families to the Balloon Rally dinner at the Fair Building at 6:00 PM on Thursday June 26, 2014. Cheryl Church told the council of her move to Panguitch and her desire to contribute to the community. She explained that having the community groomed and looking nice is important to the businesses on Main Street and the residents of Panguitch. Cheryl Church has been the manager of the Main Street Committee for 9 years. She informed the Council that with the assistance of Bryan Hill, balloon pilot and owner of the Bryce Canyon Lodge, the Main Street Committee under Cheryl’s leadership has built the Balloon Rally into the biggest event not only in Panguitch City but in Garfield County.

As coordinator of the Balloon Festival, Cheryl has been selective on the vendors she allows to come to Panguitch during the Balloon Festival. Cheryl wants to support the local businesses in Panguitch. Some vendors have contacted private property owners asking to set up a booth on their property. As director of the Balloon Festival Cheryl Church wants to keep the authority the vendors.

Mayor Eric Houston stated that Jeramy Henrie was approached by a vendor who wanted to rent Jeramy Henrie’s property on Main Street to set up a booth during the Balloon Festival.

The question that arises in a situation such as this is the property owner’s right to do what he wants with his property. Should the control in this situation be in the hands of the property owner or the Main Street Manager ? Attorney Barry Huntington will research the bylaws of the Main Street Organization for a policy on this issue.

Our country’s economy is based on the free enterprise system. There is also strong support for private property rights. Some council members feel that the vendors will be self policing; if they are not successful they will

not return.

Cheryl Church informed the Council that this issue with the vendors is “the straw that broke the camel’s back”, and she is considering quitting this year. She stated that many of the Main Street committee members, volunteers, and supporters would leave if she quits. She reports that she needs respect for her position if she is to continue. Cheryl Church then left the meeting.

The council discussed the question of being able to keep the Balloon Festival viable if we lose Cheryl Church as manager. The council recommended that the council assure Cheryl Church of our support and respect. She has a tremendous job, and the City will do everything possible to let Cheryl Church run the event by referring all requests and inquiries about the Balloon Festival to her. Trudi Owns will contact Jeramy Henrie and talk to him about the situation. Tim Smith will visit with Cheryl Church to express the respect and appreciation of the Council and the commitment to support her.”

Thank you.

HARSHAD P. DESAI

## WHAT IS INVOLVED HERE ?

- (1) Panguitch city corporation’s approach like “Lets get this guy out of community” thru depriving his constitutional rights, maintaining culture of “You scratch my back and we scratch your’s when you get an itch”, etc.
- (2) HARSHAD P. DESAI – brown in skin color, Hindu by religion, Immigrant from India.
  - M.S. in Chemical Engineering from University of Massachusetts.
  - Resident of Panguitch since 1992 (>23 years).
  - Manage three commercial parcels / activities.
- (3) Cheryl Church – Director / manager of Panguitch Main Street organization [non-profit organization under IRS rule 501-C-3].
  - Wife of brother of city attorney.
  - >10 years on job but has failed to put Panguitch Main Street Organization on self – supporting footings. >90% fundings come from Panguitch City, Garfield County, State of Utah, US Federal.
  - Uses the system for personal gains thru obstruction / opacity of records, data, conflict of interest, host of other wrong doings (pseudo ownership).
  - It is part of Panguitch City Corporation thru control.

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## IN NUTS & BOLT FORM.

- (1) It is irrelevant that wrong doing is way of life in this area for centuries.
- (2) It is irrelevant that respondent is sparsely populated (<1500), located in rural / remote / mountain region, has demography of >90% white, >90% Christians, >90% locals, etc.
- (3) Competition is in DNA of American society. Any activity at any level against it is illegal activity.
- (4) Anyone (individual, group of individuals, companies, etc.) has right to access competition in market place for best product at lowest price. Any activity at any level against it is illegal activity.
- (5) US Constitution – Everybody has right to make living on equal basis.
- (6) Requester / petitioner (HARSHAD P. DESAI) has right to access records, information, data to compete in market place.
- (7) Panguitch City corporation requires any kind of business activity (temporary/short term or permanent / long term) to have Panguitch City Corporation's permit / license.
- (8) Records of applicants applying for city permit / license are public records.
  - HARSHAD has right to sell best rooms at lowest prices.
  - HARSHAD has right to sell best spots at lowest prices.
  - HARSHAD has right to market rooms and spots to vendors.
- (9) (i) HARSHAD has right to reach >100 vendors for their requirement for 5 days each in June.
  - Vendors are forced to take inferior rooms for >\$75 / room / night where HARSHAD wants to offer better room at <\$55 / room / night.
- (ii) HARSHAD has right to reach >100 vendors to sell for best spot at lowest cost.
  - Vendors can have best spot at lowest cost but vendors and HARSHAD are obstructed from information (by Panguitch City Office).
- (iii) Panguitch City Office to Cheryl Church ----- flow of information ----- 100%.
  - Panguitch City Office to HARSHAD P. DESAI -----flow of information ----- 0%.
  - This is >10 year issue.
- (10) State of Utah law – Public matters must be discussed in open meeting of the city council meeting and must be recorded.
- (11) State law – Closed door meeting / executive session must comply with Utah Code 52-4-20.
- (12) Closed door / executive session includes discussion on phone, calls at homes, discussions in churches, talk in men's room, talk in local restaurants, etc.
  - Record Committee should look into archive – Utah Attorney General instructed Utah Legislatures about Illegality of public matters' discussion in private ( including republican caucuses).

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## REQUEST

- (1) The Record committee should look at all GRAMA requests and all requests on individual basis and make ruling on individual basis.
- (2) If we get into situation (as we had in the past) like –
  - Respondent's response to GRAMA request ----- 0%.
  - Mediation by ombudswoman ----- may be 5 or 15%.
  - Record committee has burden to complete it ----- 100%.
- (3) Per our experience in past, the Record Committee should stop any exchange (either party) 15 days (window) prior to the Record Committee's hearing date.

Attachment – GRAMA requests' submissions to respondent + response from respondent.

CC: Copy of this appeal to Panguitch City Corporation.

P.O.Box # 75, 25 South 200 East, Panguitch, UT 84759

(P) 435-676-8585, (F) 435-676-2758

Panguitch City Corporation (respondent) has all GRAMA requests (3 times).

If the respondent (Panguitch City Corporation) like to have one more set of GRAMA requests, Panguitch City Government should contact and ask for it. Petitioner (HARSHAD P. DESAI) will be more than happy to submit additional set of GRAMA requests.



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(HARSHAD P. DESAI)

**FEBRUARY 02, 2015**

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