



Gina Proctor <gproctor@utah.gov>

State Records Appeal

Raymond Fitzgerald [REDACTED]
To: Gina Proctor <gproctor@utah.gov>

Sat, Oct 12, 2019 at 6:58 PM

Ms. Proctor,

The initial record request, i.e., the request for Complaint #90237, was made orally by me to Ao Paugh, an investigator for the Division of Consumer Affairs, on April 4, 2017. I confirmed that conversation, and the request, in writing, by letter to Mr. Paugh dated April 4, 2017. Annexed is a copy of the April 4, 2017 letter. The Division of Consumer Affairs never responded to that request. The Division certainly never stated that the Complaint was classified as protected under Utah Code Section 63G-2-305(10)(d).

We again made that request orally on April 24, 2017 at a meeting with Mr. Paugh and Adam Watson, the chief investigator for the Division of Consumer Affairs. Mr. Watson told us that he would not give us a copy of the Complaint because the complainant had requested that he not do so. Mr. Watson never said that the Complaint was classified as protected under Utah Code Section 63G-2-305(10)(d).

On July 22, 2019, we again met with Mr. Watson and again requested, first orally and then in writing, a copy of the Complaint. Annexed is a copy of the July 22, 2019 written request. Mr. Watson again refused to give us a copy of the Complaint because, purportedly, the complainant had requested that he not do so. Again, Mr. Watson never stated that the Complaint was classified as protected under Utah Code Section 63G-2-305(10)(d).

It was not until the August 5, 2019 letter from David J. Pierson, Records Officer, Utah Division of Consumer Protection, after more than two years of obfuscation and lies, that the Division concocted an excuse, not previously advanced, for not providing us with a copy of the Complaint, a belated and rather flimsy excuse. There was no statement as to when the purported classification was made, who made the classification, why we were never previously told of this purported classification or any documentation as to the purported classification or the making of the classification. For a period of two years there was no classification and then suddenly there was; Presto chango! Apparently, the Division had no qualms about lying to us for more than two years and, then, when the Division realized we were seriously pursuing obtaining the Complaint and that the basis for refusal did not hold water, it switched to another basis that also does not hold water. Annexed is a copy of Mr. Pierson's August 5, 2019 letter.

We appealed Mr. Pierson's denial to Ms. Francine A. Giani by letter dated September 5, 2019, a copy of which is annexed.

If all of this seems familiar, it should. It mirrors what is going on in Washington. In Washington Congress has made a request for documents it has a statutory right to obtain. The White House and the executive branch, like the Division of Consumer Protection in this case, have refused to produce those documents. That refusal, in both instances, was, and is, in bad faith. The reasons offered for refusal by the Division would be laughable were they not so damaging and obstructive. It appears that the government of Utah entered into a conspiracy with the Federal Trade Commission to damage Utah citizens and companies by an attempted trick and subterfuge. Having failed in that effort, the Division is now trying to hide what actually occurred. Has the Division of Consumer Protection no integrity, no shame? Apparently not!

Raymond Fitzgerald

