

GRAMA Notice of Appeal to State Records Committee

Note: Utah Code § [63G-2-403](#) (GRAMA) provides that any person may further appeal the chief administrative officer's denial of an appeal by filing a notice of appeal with the State Records Committee. This notice must be filed within 30 days of the response from a governmental entity's chief administrative officer or no later than 45 days after the records request was made if the following occur: the governmental entity claims extraordinary circumstances, and the chief administrative officer failed to make a determination.

Requester's information

Name: Scott Gollaher

Date: 03/29/2018

Address: [REDACTED] City/State/Zip:

Daytime telephone number: none / email: [REDACTED]

Make request to

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

Explanation of Relief Sought

Note: Relief can relate to conflicts over denial of access to records (Utah Code § [63G-2-402](#)) as well as disputes over fees (Utah Code § [63G-2-203\(6\)](#)) or extraordinary circumstances (Utah Code § [63G-2-402](#)).

The State Records Committee can also use the weighing provision to order the release of records that are properly restricted if it determines that the interests favoring access are greater than or equal to the interests favoring restriction (Utah Code § [63G-2-203\(11\)](#))

I hereby appeal the Morgan County Attorney's incomplete response to my records request (originally emailed to the GRAMA officer on December 16, 2017 which was completely ignored) resubmitted on February 5, 2018. On February 8, 2018, the Morgan County Attorney forwarded an incomplete response as, for example, documents referenced as attachments to that which he did provide (and which were requested per my GRAMA request) were not provided. On February 26, 2018, I mailed my appeal to Ned Mecham, Chief Administrative Officer of Morgan County via USPS first-class mail. Given the two-three day USPS estimates, he should have received it by March 1. That appeal is attached hereto. As usual, the chief administrative officer did not respond. In an abundance of caution after Mr. Farris told the committee at the March 8 hearing on another request that he knew that no appeal had been received, a copy of that appeal was also emailed to Stacy Clark, GRAMA officer for Morgan County, to provide to Mr. Mecham. My original GRAMA Request is at page 3 thereof, and Mr. Farris's response is on pages 4-8 thereof and has been electronically bookmarked herein.

I appeal to the SRC in the absence of a proper response in my further efforts to obtain important communications that show Mr. Farris's abrogation of duty in matters of appellate counsel.

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 **I appeal an incomplete response, which response is attached**
- Notice of appeal to the governmental entity's chief administrative officer (Optional)
- Notice of decision from the governmental entity's chief administrative officer **No response was received**

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

Scott Gollaher
131 1st Avenue, Suite 502
Salt Lake City, Utah 84103

February 26, 2018

Ned Mecham, Council Chair
Morgan County Chief Administrator
48 West Young Street
Morgan, Utah 84050

Re: Appeal of December 5, 2017 GRAMA record request denial

Dear Mr. Mecham:

On February 8, 2018, I received the attached incomplete and grossly-lacking response to the above-referenced GRAMA Request. In review of that response it is evident Mr. Farris is up to his old tricks of obstructing GRAMA a Class B misdemeanor his absolute immunity will not cover. Mr. Newton's invoice 1097 (which was produced) under "activities" makes clear the invoice came with "attorneys fees as detailed in attached" which attachment was not provided but rather concealed, likely with the box of exculpatory evidence in cases 121500023, 121500028 and 131500006.

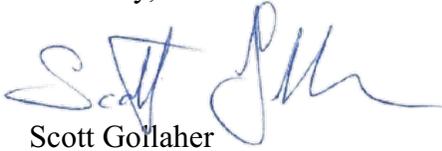
The attached Morgan County Request for Payment, invoice dated 2/13/17, GL Account 10-4129-34[illegible] is not that detail referenced by Mr. Newton. It is that detailed record I seek that has been withheld, along with all communication between Mr. Newton and Mr. Farris as no legal privilege exists for Mr. Farris, and he can provide none, that will allow him to withhold any communication, whether by letter or electronic means, from being produced after all, I am the holder of that privilege, not Mr. Newton or Mr. Farris as to Morgan County's contract with Mr. Newton, and any communication that dealt with that contract or criminal case 121500023 and its appeal, 2016-0317CA. Further Mr. Newton has communicated with me and has also sent me emails referencing communications he had with Mr. Farris by email.

The GRAMA retention schedule with which Morgan County is required to comply makes clear all those email and letters, for the time period requested, should all remain available and therefore must be provided. I therefore request, but admittedly don't retain much hope, that you will direct Mr. Farris and Morgan County to produce all records created and/or responded to. So far, no chief administrator has had the back bone to stand up to Mr. Farris and remind him that simply because he's an elected official he's not above the law relative to GRAMA, nor is he the law relative to GRAMA. Please ensure all records created, received and/or responded to are

Ned Mecham, Chief Administrator
February 26, 2018
Page 2

provided. If any record is believed to be privileged, please identify that record, the date of that record, the subject matter of that record, and Mr. Farris's presumption of privilege.

Sincerely,



Scott Gollaher

Rec. 2-5-18

MORGAN COUNTY GRAMA REQUEST FORM

TO: Morgan County Clerk/Audior c/o Stacy Clark GRAMA Specialist
(Name of government office holding the records and/or name of agency contact person.)

Address of government office: 48 W Young Street, Morgan, UT 84050

Description of records sought (records must be described with reasonable specificity):

All communications, billing records received and payments made to, from or concerning Sam Newton and Appellate case 2016-0317/District case 121500023 from March 1, 2016 to the date of reply to this request, including but not limited to email, invoices, payment records, transmittals, etc., by any employee/official of Morgan County.

- I would like to inspect (view) the records.
- I would like to receive a copy of the records. I understand that I may be responsible for fees associated with copying charges or research charges as permitted by UCA 63-2-203. I authorize costs of up to \$ _____.
- UCA 63-2-203 (4) encourages agencies to fulfill a records request without charge. Based on UCA 63-2-203 (4), I am requesting a waiver of copy costs because:
 - releasing the record primarily benefits the public rather than a person. Please explain:

- I am the subject of the record.
- I am the authorized representative of the subject of the record.
- My legal rights are directly affected by the record and I am impoverished. The information is material to and affects my substantial rights.

(Please attach information supporting your request for a waiver of the fees.)

If the requested records are not public, please explain why you believe you are entitled to access.

- I am the subject of the record.
- I am the person who provided the information.
- I am authorized to have access by the subject of the record or by the person who submitted the information. Documentation required by UCA 63-2-202, is attached.
- Other. Please explain:

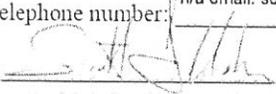
I am requesting expedited response as permitted by UCA 63-2-204 (3)(b). (Please attach information that shows

your status as a member of the media and a statement that the records are required for a story for broadcast or publication; or other information that demonstrates that you are entitled to expedited response.)

Requester's Name: Scott Logan Gollaher

Mailing Address: 131 1st Ave #502, Salt Lake City, UT 84103

Daytime telephone number: n/a email: scott_gollaher@hotmail.com Date: 02/05/2018

Signature: 

If records are filed by Social Security Number, please provide that number: _____

Jann Farris

From: Sam Newton <sam@snewtonlaw.com>
Sent: Thursday, February 09, 2017 9:45 AM
To: Jann Farris
Cc: Dean Saunders; Kimberly Payne
Subject: Re: Gollaher Ruling on Motion for New Trial

I would suggest Emily Adams, Herschel Bullen, Peter Daines and Ron Fujino. I will file a motion to withdraw and send you an invoice momentarily. Thanks again,

sam



Samuel P. Newton / Attorney at Law sam@snewtonlaw.com

Law Office of Samuel P. Newton, PC Office: (406) 407-7323 /
Fax: (406) 203-114440 2nd Street E, Suite 222 Kalispell, MT
59901 www.snewtonlaw.com



On Feb 9, 2017, at 9:01 AM, Jann Farris <jfarris@morgan-county.net> wrote:

Sam, this ruling came out yesterday. Can you file a motion to withdraw due to a conflict and send us a bill so we can settle up with you.
Do you have suggestions for another attorney who would be interested in this appeal?

We appreciate your efforts.

Best regards
Jann Farris
Morgan County Attorney

Sent from my iPad

Begin forwarded message:

From: "Kimberly Payne" <kpayne@morgan-county.net>
Date: February 8, 2017 at 8:52:46 AM MST
To: "Jann Farris" <jfarris@morgan-county.net>, "Saunders, Dean" <dsaunders@co.weber.ut.us>
Subject: Gollaher Ruling on Motion for New Trial

Here is the ruling!!!!

Kimberly Payne
Paralegal
Morgan County Attorney's Office
PO Box 886
Morgan, UT 84050
Direct: 801-845-6093
Fax 801-845-6006

****This Email is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and is legally privileged. The information contained in this Email is intended only for use of the individual or entity named above.**

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Jann Farris

From: Law Office of Samuel P. Newton, PC <quickbooks@notification.intuit.com>
Sent: Thursday, February 09, 2017 11:13 AM
To: jfarris@morgan-county.net
Cc: info@snewtonlaw.com; kpayne@morgan-county.net
Subject: Invoice from Law Office of Samuel P. Newton, PC
Attachments: Invoice_1097_from_Law_Office_of_Samuel_P_Newton_PC.pdf; toggl_time_entries_2016_06_01_to_2017_02_09.pdf



Law Office of Samuel P. Newton, PC

INVOICE	DUE DATE	BALANCE DUE	View invoice
1097	03/11/2017	\$1,290.00	

Dear Jann Farris,

Your invoice is attached. Please remit payment at your earliest convenience.
Thank you for your business - we appreciate it very much.

Sincerely,
Law Office of Samuel P. Newton, PC



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Law Office of Samuel P. Newton, PC
The Historic KM Building
40 2nd Street E, Suite 222
MT 59901-6114 US
(406) 407-7323
info@snewtonlaw.com

BILL TO
Jann Farris
Morgan County Attorney
48 West Young Street
Morgan, Utah 84050

INVOICE 1097

DATE 02/09/2017 TERMS Net 30

DUE DATE 03/11/2017

DATE	ACTIVITY	QTY	RATE	AMOUNT
02/09/2017	Services Scott Gollaher, Attorney fees as detailed in attachment	8.60	150.00	1,290.00

TOTAL DUE \$1,290.00

MORGAN COUNTY
REQUEST FOR PAYMENT

VENDOR NAME Samuel P. Newton, PC
MAILING ADDRESS 40 2nd Street E, Suite 222
Kalispell, MT 59901-6114

INVOICE # INVOICE DATE 2/13/17
ACCOUNT # PYMT DUE DATE

DESCRIPTION Conflict Counsel for Gollaher Appeal

AMOUNT DUE \$ 1,290.00

GL ACCOUNT # 10-4129-34C

EXPLAIN PURCHASE

APPROVED BY

DEPARTMENT HEAD

DATE

COUNTY AUDITOR

REJECTED FOR:

- Incomplete form
- Over budget
- Missing documentation

 COPY



Morgan County Attorney's Office

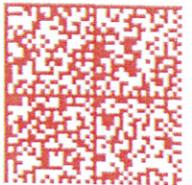
P.O. BOX 886
48 WEST YOUNG STREET
MORGAN, UTAH 84050

SALT LAKE CITY

UT 840

07 FEB '18

PM 2 L



US POSTAGE
\$00.68⁹
First-Class

Mailed From 84050
02/06/2018
032A 0061804790

S.L.G.

131 1st Ave #502

SLE, UT 84103

84103-291227

