

157
AG's

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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 45 days if the chief administrative officer failed to make a determination.

Requester's information

Name: Scott Logan Gollaber s.o. 187428 Date: 1-25-2015
Address: 3415 South 900 West
City/State/Zip: South Salt Lake City, Utah 84119
Daytime telephone number: N/A 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))

On October 2, 2014, I filed with the Utah Attorney General's (Criminal division) Blaine Ferguson, Assistant Attorney General, Government Records Counsel, a GRAMA labeled 14-159, as advised by Ms. Cundiff, over my objection that to do so only prolongs the shell-game being played between government agencies and violated GRAMA's Shared Record rule 63G-2-206. (EXHIBIT A)

On October 28, 2014 the AG's responded requesting by rule an extension of time to locate said record requested and taking a first step to make this request go away via a "word game" pg 3, thereafter providing me an unrealistic date in which to respond, 11-5-14. (I received the AG's letter 2 days prior, leaving me no option but to dictate said response via telephone to meet the AG's created - watch me make this go away - dead line.) (EXHIBIT B). — continues on page 3 —

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
- Notice of denial from the governmental entity's chief administrative officer *seemed denied*

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

STATE OF UTAH
OFFICE OF THE ATTORNEY GENERAL



SEAN D. REYES
ATTORNEY GENERAL

SPENCER E. AUSTIN
Chief Criminal Deputy

PARKER DOUGLAS
Chief of Staff & Federal Solicitor

BRIDGET K. ROMANO
Solicitor General

BRIAN L. TARGET
Chief Civil Deputy

December 10, 2014

Transmitted via first-class mail

Scott Logan Gollaher
c/o 131 1st Ave, Suite 502
Salt Lake City, UT 84103

Re: Response to your records request received 10-14-14 (#14-159)

Dear Mr. Gollaher,

On 10-14-14, the Utah Attorney General's Office received your records request dated 10-2-14, which asks for the following records:

"I requests any any all records received from Salt Lake Police Department, police, staff or agency relating to Scott Logan Gollaher DOB 03-30-1959 with specific focus on all video, photos, records and recordings taken by Detective Suzanne Williams 7-13-2012, at or near 131 1st Ave, Suite 502, SLC UT 84103, relating to any investigation"

At my request, you have clarified your request to help the Office better understand the records you seek. Most recently, in an email you sent me on 12-1-14, you said: "[P]rovide ALL records/materials/photos, etc., provided, forwarded, delivered, sent, mailed, transported, given, handed, teleported (or any other word you feel describes your receipt of records) to the Attorney General (or any employee, agent, staff, intern, etc., thereof) by or received from the Salt Lake City Police Department, their staff, employees, contract workers, volunteers, doorman/woman, parking attendant, courier or agent or agency acting as a third party from which the AG received said record(s)."

The Attorney General's Office has not been able to locate any records that are responsive to your request.

If you believe you have been aggrieved by the determination made by the Attorney

Letter to Mr. Gollaher
Page 2

General's Office in response to your records request, you have the right to appeal to the chief administrative officer of the Attorney General's Office, as provided in Utah Code Ann. Section 63G-2-401(1)(a) (West Supp. 2014). The notice of appeal would need to be sent to Attorney General Sean D. Reyes at the following address:

(If by hand-delivery)

GRAMA Appeal
Office of the Attorney General
Utah State Capitol Complex
350 North State Street Suite 230
Salt Lake City, UT 84114

(If by mail)

GRAMA Appeal
Office of the Attorney General
PO Box 140860
Salt Lake City, UT 84114-0860

(If by email)

GRAMA Coordinator
grama_coordinator@utah.gov

To do so, you must file a Notice of Appeal with that officer within 30 days of the date of this response. Your Notice of Appeal must contain your name, your mailing address, your daytime telephone number, and a statement of the relief you seek. With your Notice of Appeal, you may also file a short statement of facts, reasons and legal authority in support of your appeal. Please note that Utah Code Ann. Section 63G-2-401(9) (West Supp. 2014) provides that the duties of the chief administrative officer for handling such appeals may be delegated.

Sincerely,



Blaine Ferguson
Assistant Attorney General
Government Records Counsel