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FEB 11 2015

WCSO  
GRAMA #8

### 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 L. Galleher SO.#187728 Date: 01-15-2015  
Address: 3415 South 900 West  
City/State/Zip: South Salt Lake City Utah 84119  
Daytime telephone number: N/A

#### Make request to

Nova Dubovik  
346 South Rio Grande Street  
Salt Lake City, Utah 84101  
[ndubovik@utah.gov](mailto: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 November 19, 2014, I submitted a GRAMA requested to Weber County Sheriff's Office (hereafter WCSO). referenced as GRAMA #8. On December 4, 2014 WCSO untimely responded addressing a prior GRAMA #4 along with the GRAMA #8. It should be noted GRAMA #8 is similar to GRAMA #4 and was resubmitted to counter WCSO shell game played with the specific record I seek. Contrary to Mr Klint Anderson dictum I appealed GRAMA #8 December 23, 2014 and further addressed my intent to appeal GRAMA #4 having heard from Morgan County as directed by WCSO to avoid providing the record they wish to keep hidden. On January 09, 2015 WCSO untimely responded, this time however correctly noting the GRAMA rule that governs this record and who must go fetch the record where SHARED with another.

### 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:

*all these will be provided shortly as envelopes are available*

- 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

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](mailto:rcundiff@utah.gov)  
(801) 531-3858

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WCSO  
GRAMA  
#4

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#### Requester's information

Name: SCOTT L. GOLLAHER S.O.# 187428 Date: 12-29-2014

Address: 3514 South 900 W (Salt Lake County Metro Jai)

City/State/Zip: South Salt Lake City Utah 84119

Daytime telephone number: N/A

#### Make request to

Nova Dubovik  
346 South Rio Grande Street  
Salt Lake City, Utah 84101  
[ndubovik@utah.gov](mailto:ndubovik@utah.gov)

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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 appeal under both Utah Code § 63G-2-402 and 63G-2-203(6), the latter due to prior issues over fees with Weber County Sheriff's Office (WCSO).

My appeal is to the SRC for records Weber County Sheriff's Office failed to provide, obstructed GRAMA in its reply and continues to obstruct GRAMA in its hide the record GRAMA shell game played.

My GRAMA request (EXHIBIT A) in the packet of records here enclosed is dated August 1, 2014. WCSO received my GRAMA 08/05/14. A copy of said GRAMA was forwarded to the Morgan County Attorney, Jenn Ferris via WCSO 08/07/14.

On 08/20/2014 I appealed said GRAMA to WCSO Chief Administrator under U.C. §63G-2-201. (EXHIBIT B). This appeal was received by WCSO 08/28/2014.

Klint Anderson responded to my appeal as well as

(Please refer to the additional attached narrative Page 1 of 2 referenced starting again on page 3 of 15.)

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Rosemary Cundiff  
346 South Rio Grande Street  
Salt Lake City, Utah 84101  
[rcundiff@utah.gov](mailto:rcundiff@utah.gov)  
(801) 531-3858

# Weber County Sheriff's Office



Terry L. Thompson  
Sheriff

Klint D. Anderson  
Chief Deputy  
Law Enforcement Division

Kevin H. Burton  
Chief Deputy  
Corrections Division

Steffani Ebert  
Administrative Assistant  
Support Services Division

Law Enforcement  
Division  
(801) 778-6600

Corrections  
Division  
(801) 778-6700

Emergency  
Management  
(801) 778-6680

Office Hours are  
Monday through Friday  
8:00 a.m. to 5:00 p.m.

721 W. 12th Street  
Ogden, Utah 84404  
(801) 778-6600  
Fax (801) 778-6667

Thursday, December 04, 2014

Scott L. Gollaher  
Salt Lake City Metro Jail  
3415 South 900 West  
South Salt Lake City, Utah 84119

RE: Response to letters dated November 16, 2014 and November 19, 2014

Mr. Gollaher,

We received two letters from you, one dated 11/16/2014 and the other dated 11/19/2014. This letter will address both of those letters.

First, you asked what document is required to prove indigence. We accept any type of formal document that confirms your indigent status. We often receive affidavits of indigence signed by the inmate's case worker, with or without supporting financial records. As stated before, the burden is on the requestor to show proof of indigence and, even with a proper submission, the agency is not obligated to provide the fee waiver.

The Weber County Sheriff's Office requires payment for all GRAMA requests from the public prior to disseminating the records requested. Sending your records along with an invoice and not requiring payment before their release was a professional courtesy.

We cannot fill or deny your fourth GRAMA request (referred to as GRAMA #4 in our correspondence) as we are not the agency that maintains this record. This record must be requested from the appropriate entity. We have already discussed, ad nauseam, in our correspondence that we are not that entity. We have already spoken to the State GRAMA Ombudsman to confirm that in our letter dated August 29, 2014 we were correct in not including a denial. It has been confirmed that no denial should have been included since we are not the maintaining agency and as such, we cannot fill or deny that request. All of this has previously been communicated to the State GRAMA Ombudsman.

Your GRAMA #4 was responded to on August 29, 2014 and we stated that we did not maintain the report you requested and you were notified that your request had been forwarded to the correct office on August 7, 2014. Your GRAMA #6 and #7 (received on October 10, 2014) were responded to on October 21, 2014 stating that payment for your previous GRAMA request was required. Your Appeals #6 and #7 (received on October 24, 2014) were responded to on October 30, 2014 stating that a response had already been sent and it was timely. Finally, after receiving payment on November 6, 2014, a response to your GRAMA #6 and #7 was sent on November 10, 2014, which included our complete response to your pending record requests.

We have received your GRAMA request #8, to which our response is the same. We cannot fill or deny your request because our agency does not maintain this record. You need to request this record from the Morgan County Sheriff's Office.

# Weber County Sheriff's Office



**Terry L. Thompson**  
Sheriff

**Klint D. Anderson**  
Chief Deputy  
Law Enforcement Division

**Kevin H. Burton**  
Chief Deputy  
Corrections Division

**Steffani Ebert**  
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This is also a final notice that we do not accept, nor are we required to respond to, responses/appeals to an appeal denial. GRAMA specifically describes the options a requestor has once an appeal as been denied and those steps need to be followed.

Respectfully,

A handwritten signature in black ink, appearing to read "Klint Anderson".

Klint Anderson  
Chief Deputy  
Weber County Sheriffs Office

ww

# Weber County Sheriff's Office



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Sheriff

**Klint D. Anderson**  
Chief Deputy  
Law Enforcement Division

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Friday, January 09, 2015

Scott L. Gollaher (#187728)  
Salt Lake City Metro Jail  
3415 South 900 East  
South Salt Lake, UT 84419

RE: Response the letter dated December 23, 2014

Mr. Gollaher,

We received your letter on January 5, 2015 and the letter addresses the appeal you have submitted for the complete record prepared, owned and likely retained by Weber County Sheriffs Office. We do not maintain this record, case number 2012-23365, see Utah State Code 63G-2-204 (2) (a).

My response to your appeal is that Weber County does not maintain this record. As stated before in our letter dated December 4, 2014 you will need to request this record from Morgan County Sheriffs Office.

The GRAMA records officer for Morgan County is Kaye Rhoades, their mailing address is 48 W. Young Street, Morgan, UT 84050.

Respectfully,

Klint Anderson  
Chief Deputy  
Weber County Sheriff's Office

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