

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: Greg Graves Date: February 27, 2019

Address: 639 N. 1980 E. Spanish Fork, UT 84660 City/State/Zip:

Daytime telephone number: (801) 358-2201

Make request to

SRC Executive Secretary
346 South Rio Grande Street
Salt Lake City, Utah 84101
gproctor@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)).

Please see attached letter of explanation for the appeal.

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 (Optional)
- _____ Notice of decision 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
(801) 531-3858

GRAMA Notice of Appeal to State Records Committee

To Whom It May Concern:

I would like to formally request an appeal of the Board of Utah County Commissions decision to without public documents from a valid GRAMA request that are in the public's best interest.

The GRAMA request for all complaints, investigative reports for the complaints and all disciplinary actions taken against Richard Nance since December 31, 2017. Utah County provided a copy of the disciplinary actions taken against Mr. Nance. However, in doing so violated the state code for GRAMA by not releasing the documents that were the preceding documents that lead the County to issue such discipline. They claim they do not have to release something because of an ongoing investigation? That would be a normal and legal defense for GRAMA, however, in this case the County already forfeited that claim by releasing the discipline and not properly protecting the name of Mr. Nance. It was also stated in the discipline that this matter would be concluded within 30 days of the letter and that time has far passed. The Utah County Commission also has already set their own precedent on procedures on the release of documents but did not follow the pattern established by this entity over the past 5 years. Since, I was a Commissioner I have first-hand knowledge and experience with Utah Counties history of improperly and at times illegally hiding documents from GRAMA requests. They have a long pattern of writing their own rules to save embarrassment.

The other question for this appeal is does the Utah County Board of Commissioners even have the legal authority to enter into a decision. I agree that the board is the Chief Administrative Officer over GRAMA, but each commissioner has an obligation under State Law to disclose conflicts and potentially recuse themselves from certain votes. This is interesting when the only 2 Commissioners that gave an opinion are currently involved in a legal dispute and being sued by myself. I have to call into question whether the decision is legal, or emotionally based in the denial based on the records and the historical release of previous GRAMA Appeals under Commissioner Bill Lee. The County has been named and Bill Lee and Nathan Ivie have each personally been named and have had what the

county deemed settlement talks through counsel and therefore the Board of Utah County Commissioners do not have proper standing to make this decision.

I would request that the records requested be immediately released or a hearing to discuss this matter with the State Records Committee.

Thanks,

A handwritten signature in blue ink that reads "Greg Graves". The signature is written in a cursive style with a large, stylized initial "G".

Greg Graves