



Nova Dubovik <ndubovik@utah.gov>

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Per [Signature]

**GRAMA appeal and request for State Records Committee hearing**

1 message

Dan Harrie <dharrie@sltrib.com>  
To: ndubovik@utah.gov

Sat, Aug 8, 2015 at 1:19 PM

Aug. 7, 2015

Nova Dubovik  
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E-mail: ndubovik@utah.gov

Ms. Dubovik,

*Relia Sought*

This is an appeal to the State Records Committee of a denial of a GRAMA request to West Jordan City. I request that the committee place this matter on its hearing agenda at the earliest convenience.

The records request here involves the resignation letter of former City Attorney Jeff Robinson. As you will see from the following, the city denied this request and, upon appeal, Interim City Manager Bryce Haderlie provided a copy so heavily redacted that it constituted a denial.

Mr. Haderlie provided no specific reasoning for this final city denial, saying only that it was "based on the content of the letter.... "

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Here is my original July 2 GRAMA request, addressed to City Clerk Melanie Briggs: Melanie,

① GRAMA

Hi, I am requesting a copy of the letter of resignation submitted by former City Attorney Jeff Robinson. I make this request under the Government Records Access and Management Act and, as it is for the purpose of a public-interest news story, ask that you expedite your response.

Thanks for your prompt attention,  
Dan Harrie  
The Salt Lake Tribune  
801-257-8793  
dharrie@sltrib.com

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Here is the response, from Chad Woolley of the city attorney's office, dated July 17:

② Response

Re: Expedited GRAMA Request For Records ( 7/ 2/ 15)  
Mr. Harrie,

Thank you for your interest in the operation of West Jordan City. West Jordan City is dedicated to transparency in its decisions and actions. One way the City demonstrates its commitment to transparency is by complying with the Government Records Access and Management Act, commonly known as GRAMA. GRAMA is a valuable tool for the public to access " information concerning the conduct of the public's business."

This is West Jordan City's official response to your request. Unfortunately, the document that you have requested is categorized as a protected document under GRAMA. Pursuant to Utah Law, we are not allowed to release a protected document.

This response constitutes a denial to your request. Per "GRAMA Section 63G-2- 205. Denials" when a governmental entity denies a request for records the following information is to be supplied:

- a) a description of the record or portions of the record to which access was denied;
- b) citations ... that exempt the record or portions of the record from disclosure;
- c) a statement that the requester has the right to appeal the denial to the chief administrative officer of the governmental entity; and
- d) the time limits for filing an appeal, and the name and business address of the chief administrative officer of the governmental entity.

Description of Records ( with exempting Citation):

1. Resignation Letter of Jeff Robinson

a. This letter is protected under all of the following cites:

- i. 63G-2- 302 ( 2)( a) and ( d)
- ii. 63G-2- 301 ( 3)( o)
- iii. 63G-2- 305 ( 10)( a)

Statement of Appeal Right and Timeframe:

Pursuant to Utah Code Section 63G-2- 401, you do have the right to appeal this decision within 30 days of today' s date.

Name and Business Address of the Chief Administrative Officer:

Bryce Haderlie  
Interim City Manager  
City Hall— Third Floor  
8000 S. Redwood Road  
West Jordan, UT 84088  
801- 569- 5100  
Fax: 801- 565- 8978  
bryceh@wjordan.com

If you have any questions or concerns, please feel free to contact me.

Sincerely,  
Chad Woolley  
West Jordan City Attorney

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Here is my July 20 appeal to Interim City Manager Bryce Haderlie: *③ Appeal*

July 20, 2015

Mr. Haderlie,

This is an appeal of a denial of my GRAMA request for a copy of the resignation letter of West Jordan City Attorney Jeff Robinson.

The denial, dated July 17, stated several reasons for the decision -- all of which I believe stem from an incorrect reading or interpretation of the Government Records Access and Management Act.

The denial letter stated that the resignation letter -- in its entirety -- is protected. First off I believe that the blanket denial fails to recognize GRAMA's mandate that a record is to be examined for any and all public information contained therein. The public information portion should be segregated from the protected portion and released with redactions.

I believe that 63G-2-302 (2)(a) pertains to records that are of the same nature as the examples provided in this citation: performance evaluations or personal status information. These do not fit the record in question.

Regarding 63G-2-302 (2)(d), it is clear that release of a resignation letter submitted by a high-ranking public official to his government employer in a highly publicized matter of public interest is not a "clearly unwarranted invasion of personal privacy." The Utah Supreme Court has made it clear that the emphasis in this provision is the "unwarranted" description. This does not apply to the resignation of Mr. Robinson, which has been a matter of public controversy in West Jordan City.

63G-2-301(3)(o) actually addresses public -- not private -- records. It is wrong to presume that records that do not precisely fit the description are protected. GRAMA is actually structured with a presumption in the other direction: any record not explicitly protected or private is presumed to be public. Moreover, the records in this section deal with formal disciplinary action or formal charges against a public employee. It is my understanding that there never has been a formal charge or disciplinary action taken against Mr. Robinson -- certainly not one that has been recognized as legitimate or legal by the chief administrative officer of the city.

Likewise, I believe that 63G-2-305(10)(a) does not apply to the instant case in that there has not been and is not now an investigation of Mr. Robinson that the disclosure of this record could interfere with.

For these reasons I would ask that you reverse the denial and release this record. If you agree with the arguments against disclosure I ask that, nevertheless, you use your discretion to release the records.

Thank you for your prompt consideration.

Sincerely,

Dan Harrie  
The Salt Lake Tribune

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This is the response from Interim City Manager Bryce Haderlie: *(4) Response to Appeal*

Dan,  
Based on the content of the letter, this is all that I feel that I can release to you at this time.  
Best Wishes,  
Bryce Haderlie  
Interim City Manager

And attached to this email is the attachment provided to me containing the heavily redacted letter.

Ms. Dubovik, I would offer to you and to the State Records Committee members the same arguments I made in my first appeal to Interim City Manager Haderlie. As Mr. Haderlie did not provide any information about his subsequent denial of my appeal, I suppose it must be assumed that he was relying upon the previously asserted public-record exemptions put forward by Mr. Woolley.

Thank you again for your prompt consideration of this matter.

Sincerely,

Dan Harrie  
The Salt Lake Tribune  
801-257-8793  
dharrie@sltrib.com

 Redacted Resignation Letter- Robinson 6-26-15(1).pdf  
230K