



FETZER | SIMONSEN | BOOTH | JENKINS

ATTORNEYS AT LAW

REC'D AUG 09 2018

Gregory M. Simonsen

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August 7, 2018

VIA U.S. MAIL

Gina Proctor
State Records Committee
346 Rio Grande
Salt Lake City, Utah 84101-1106

Dear Records Committee:

This office represents Mr. [REDACTED] and his business [REDACTED] located in Midway, Utah. On May 27, 2018 Mr. David sent a records request to Wasatch County. A copy of that request is attached hereto as Exhibit "A". Among other things, [REDACTED] requested records that would show the County's distribution of Transient Room Tax funds received from the State of Utah from 2007 to 2017 and how those funds were distributed to private entities pursuant to Section 17-31-2 et. seq. of the Utah Code. [REDACTED] believes, as do we, that records showing the use and distribution of tax monies should be made available upon request and without charge to the person making the request. [REDACTED] request sought a waiver of all fees in that the disclosure of the use of tax funds and the policies for the use of Transient Tax funds would contribute to the public's understanding of how such funds are utilized.

When the County made no response to [REDACTED] request he was forced to appeal. The appeal was timely delivered to the Wasatch County Chief Administrative Officer on July 10, 2018. A copy of the appeal with attachments is attached hereto as Exhibit "B".

On or about July 16, 2018, Wasatch County responded with the letter and documents attached hereto as Exhibit "C". This response provides some information concerning the distribution of funds to local businesses. However, no information was provided as to requests 3, 4, and 5. In looking at the records requested it is believed such records must exist because the requests seek information regarding the distribution of State Transient Tax Funds. We have searched for these records online in all the likely places and cannot find them.

The Wasatch County audit report dated June 30, 2017 for the year ending December 31, 2016 prepared by Larson Certified Public Accountants states that "Heber Valley Tourism and Economic Development ("HVTED") is primarily funded through transient room tax dollars and that "HVTED" financial statements were audited separately by independent auditors for the year ended December 31, 2016 and their report dated June 30, 2016 has been issued under a separate

cover.” However, we have not been able to find this report on the State of Utah website, nor has it been made available by Wasatch County.

In finally responding to the GRAMA request Wasatch County states that Mr. Ryan Starks (Executive Director of Heber Valley Tourism and Economic Development) “has provided many records responsive to this request.” However, Mr. Starks’ records provides some information only as to the \$30,000 to \$50,000 granted each year to local businesses. But no records have been provided showing the use of millions of dollars that Wasatch County has received in transient room taxes from the State of Utah over the past 10 years. Obviously, such records must exist and it seems that such records are exactly the types of records that the legislature wanted to be available to the public when it enacted the Governmental Records Access and Management Act. For the reasons herein stated we appeal the decision of Wasatch County to not provide the requested records.

Sincerely,

FETZER SIMONSEN BOOTH & JENKINS



Gregory M. Simonsen