

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: MICHAEL S. ROBINSON Date: 5/13/2019

Address: [REDACTED] City/State/Zip:

Daytime telephone number: [REDACTED]

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))

CASE NUMBERS

18-59031, SANDY COURT CASE # 191000149

I have sought the records necessary to determine why the Sandy City Prosecutor took it upon himself to dismiss without prejudice the assault case against [REDACTED] Sandy Case #18-59801, wherein she was cited for domestic simple assault. The prosecutor has failed to provide records showing why he chose to make a determination that Ms. [REDACTED] was "not the primary aggressor." Because the prosecutor's finding was contrary to the findings of the Sandy Detective Heather Blanco who investigated the case, he must reveal any meetings, phone calls, or other communication which led him to such determination. Sandy City has improperly cited that any records of such communications would be protected under either attorney-client privilege or attorney work product privilege. As the victim in this case I have a right to any evidentiary document and any records of calls, documents, emails, etc. which caused the change in the status of this case.

Sandy City's Chief Executive Matthew Huish response first states there are no records in response to a comprehensive GRAMA request that have not been provided to me. However, Mr. Huish goes on to essentially beg the question and qualify his response by stating "if there were such records, they would be confidential and protected record under the attorney client privilege or attorney work product privilege". I am appealing Mr. Huish's response because in my view the Utah Governmental Access Management Act first requires the Sandy City to classify and specially identify all requested records and then state the reason that a particular record (whether electronically maintained or otherwise) is not being produced and that Mr. Huish qualified response is improper.

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)).

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