

# 2016-79

Chad Lambourne CP  
Certified Paralegal  
Schatz Anderson & Associates LLC  
1425 South 700 East  
Salt Lake City, UT 84105  
Telephone: 801.834.6179  
Facsimile: 801.746.3744  
chad@schatzanderson.com

**BEFORE THE UTAH STATE RECORDS COMMITTEE**

<p>CHAD LAMBOURNE – FOR SCHATZ, ANDERSON &amp; ASSOCIATES</p> <p>Petitioner,</p> <p>v.</p> <p>WASHINGTON COUNTY SHERIFF’S OFFICE</p> <p>Respondent.</p>	<p>PETITIONER’S STATEMENT OF FACTS AND LEGAL AUTHORITIES</p>
---	--

**FACTS**

1. On July 20, 2016 Jason Schatz requested records in the possession of the Washington County Sheriff’s Office pursuant the GRAMA.
2. That request was partially denied on August 3, 2016. The documents that were provided did not comply with the GRAMA statute.
3. On August 17, 2016 an appeal of the denial was filed with the CAO, Sheriff Troy Pulsipher.
4. As of this date I have not received and answer to that appeal.
5. Pursuant to U.C.S. §§ 63G-2-401(5)(a) & (b) and 63G-2-403 I now bring the denial of the appeal to the State Records Committee.

**ARGUMENTS AND LEGAL AUTHORITIES**

**All records are presumed to be public unless such record can be properly classified as private, controlled or protected.**

U.C.A. 63G-2-201(2) states “A record is public unless otherwise expressly provided by statute.” Thus, unless a record is expressly classified private, controlled or protected pursuant to statute or the governmental agency can justify classifying a record as private, controlled or protected under one of the GRAMA sections, the record is public.

### **Classification of the denied records**

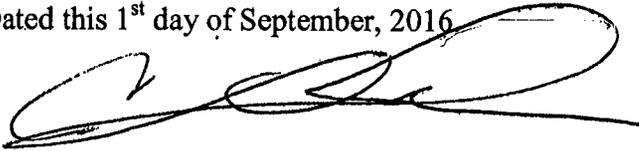
Washington County Sheriff's Office claims the requested records are protected pursuant to U.C.A. §§ 63G-2-305(10)(a)(b) and (c) and 63G-2-302 (2)(a) though it offers no reason, explanation or justification for doing so. Because the Washington County Sheriff's Office cannot demonstrate a reason for the records to be classified under the cited statutes, the records remain public.

Please see appeal to the CAO (included) for further argument and legal authority.

### **Conclusion**

The Committee must begin its assessment of this appeal on the premise that the requested records are public. The Committee must then decide if the Washington County Sheriff's Office has properly classified the requested records as protected. The Washington County Sheriff's Office has not, and cannot provide any convincing justification for doing so. The Committee must also look to case law in Utah which clearly supports the release of the requested records.

Dated this 1<sup>st</sup> day of September, 2016.



Chad G. Lambourne CP  
Certified Paralegal  
Schatz Anderson & Associates  
1425 S 700 E  
Salt Lake City, UT 84105

**MAILING CERTIFICATE**

I hereby certify that I emailed and/or mailed a true and correct copy of the above Statement of Facts and Legal Authorities, this 1st day of September, 2016, to:

Cory Pulsipher  
Washington County Sheriff  
750 S 5400 W  
Hurricane, UT 84737

  
Chad Lambourne