

The Salt Lake Tribune

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Dear Ms. Proctor:

This is an appeal of the denial of my request to Grantsville City for “any and all documents and final reports pertaining to the outside investigation into Mayor Brent Marshall.” Because the information sought by this request would be used in a news story and would therefore primarily benefit the public, I am seeking a reversal of the city’s decision and a fulfillment of the initial request.

The city’s denial, dated December 3, states that the records have been classified as protected because the council hired an outside attorney to complete the investigation. However, the Utah Supreme Court has ruled that “the mere existence of a relationship between a governmental entity and its attorney or attorneys does not rise to the level of being protected under attorney client privilege.” The Government Records Access and Management Act (GRAMA) states that documents prepared in anticipation of litigation are protected. But the investigator’s report was prompted by complaints published in *The Salt Lake Tribune* — not by the prospect of impending legal action. Therefore, it should be considered a document “produced in the regular course of business” and should not be classified as a protected document.

The legislative intent of the Government Records Access and Management Act is to “favor public access when countervailing interests are of equal weight.” Here, the public interest in this information falls within that provision, as release of a report investigating allegations against the most powerful elected official in the city would benefit the public good of holding government accountable. Mayor Marshall is a public figure who has long been active in local politics.

Sincerely,

Taylor Stevens