



JAY L. SPRINGER
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July 2, 2019

Gina Proctor
SRC Executive Secretary
346 South Rio Grande Street
Salt Lake City, Utah 84101

Via email (gproctor@utah.gov)
and First Class Mail

Re: **Records Request Appeal to State Records Committee
Bristlecone Water Improvement District / Neil Foster**

Dear Ms. Proctor:

I am requesting that my document request appeal be placed on a State Records Committee hearing schedule. Bristlecone Water Improvement District ("**Bristlecone**"), for which Neil Foster was the Chief Administrative Officer, has failed to respond to my appeal from a failure to respond to a records request. His response was due by June 7, 2019. This appeal is being submitted within thirty (30) days following Mr. Foster's failure to respond.

My daytime telephone number is (801) 413-1600. My mailing address is 257 East 200 South, Suite 500, Salt Lake City, Utah 84111.

Summary of GRAMA Requests, Discussion, and Appeal

On July 26, 2018, I submitted a GRAMA request through attorneys at the firm of Snell & Wilmer who identified themselves as counsel for Bristlecone. (First GRAMA Request, **Exhibit A**.)

On August 14, 2018, I received a response from Elizabeth M. Brereton, an attorney at Snell & Wilmer, who stated that Bristlecone would "respond to [my] request as soon as reasonably possible..." This response did not provide an estimated timeline. (Delay Response, **Exhibit B**.)

On September 21, 2018, J. Craig Smith, another attorney in my office, followed up with Snell & Wilmer regarding their failure to respond to the First GRAMA Request. No response was made. Additional emails requesting this information and status of the First GRAMA Request were made on April 24, 2019 and May 23, 2019. Again, Bristlecone did not provide me or my firm with documents and did not give adequate explanations given for the failure to respond or provide documents. (Follow-up Emails, **Exhibit C**.)

On April 29, 2019, after speaking with Rosemary Cundiff, the Government Records Ombudsman, regarding Bristlecone's failure to respond and my options to continue attempting to receive the requested documents, I submitted a second document request, substantially the same as the first, through the Open Records Portal. I did not receive a response. And the request timed out in the Open Records Portal. (Second Formal Request, **Exhibit D**.)

On May 23, 2019, I submitted a GRAMA Notice of Appeal to Neil Foster, Chief Administrative Officer of Bristlecone, using the email provided by the Government Records

Ombudsman. I copied the attorneys at Snell & Wilmer on that email. (Bristlecone Appeal, Exhibit E.)

Bristlecone's response to the appeal was due June 7, 2019, but I have not received a response.

Transition of Government Body

Mr. Neil Foster was the Records Officer and Chief Administrative Officer of Bristlecone for all relevant periods up to June 26, 2019, when a newly-appointed Board of Trustees appointed Mr. Jerry Taylor, Chair of the Board, as the new Chief Administrative Officer.

Mr. Taylor is willing to provide all records requested, and I am actively working with the newly-appointed Board of Trustees (the new Board retains my Firm for legal services). Unfortunately, however, the newly-appointed Board has not been able to obtain the documents from Mr. Foster, and does not believe Mr. Foster will voluntarily deliver them to me or the new Board.

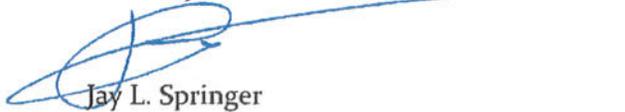
Request for Assistance

I request the State Records Committee's assistance in recovering the requested documents, and indeed any documents related to Bristlecone in Mr. Foster's possession.

Because I had already filed the Bristlecone Appeal before the new Board was appointed, and given the timeline for appeal to the State Records Committee, I submit this request both as the requesting party on behalf and the Bristlecone Board of Trustees.

I appreciate any assistance the State Records Committee can offer in recovering Bristlecone's government records on behalf of Bristlecone's new board, whether or not through this appeal and hearing process.

Sincerely,



Jay L. Springer

Encl.

cc: Bristlecone Board of Trustees