REC'D APR 01 2019

State Records Committee: 3-29-19

Re: GRAMA Appeal, Sanpete County Sheriff's Office

On 2-26-19 I submitted a GRAMA request to the Sanpete County Sheriff's Office. I asked for specific records which relate to a criminal investigation in which criminal charges were filed against myself and 7 other inmates. I also asked for emails to be provided from Google Vault. Email correspondence is by default public records, and if I'm the subject they're private to myself. On 3-4-19 Debbie Hatch denied my request claiming the records are protected. I then appealed to the Chief Administrative Officer, Scott Bartholomew. On 3-21-19 Mr. Bartholomew responded and denied the appeal, but not not explain the rationale for his denial (Please note the letter itself wasn't dated, but the mailing envelope was postmarked 3-21-19.)

Ms. Hatch provides UCA §636-2-305(10) as the basis for the denial. A careful reading of each subparagraph will show that none of these exemptions apply to the records I've requested. In fact, to deny access is likely to "create a danger of depriving a person (myself) to a fair trial or impartial hearing." Some of the records I've requested have already been provided to my attorney via discovery in the criminal case (who has provided them to me). However, the incident report is not complete and is missing pages. The best way to get the most accurate version of these records is from the source itself, the Sanpete County Sheriff's Office. There is no legitimate reason to refuse access to any of the records I've requested when they are also available to me through discovery.

There is nothing in GRAMA which says because court action is still pending I have to request them through the discovery process. In fact, GRAMA provides several avenues where records are to be provided free of charge when he is the subject and his legal rights are directly affected, UCA § 63G-2-203(4)(c). If it had been the legislative intent that such records (where the requester's legal rights are directly affected) not be accessible via GRAMA, but instead through discovery, the legislature would not have provided such an option. Further, 63G-2-207(2)(c) clearly says: "unless a court or administrative law judge imposes limitations in a restrictive order, this section does not limit the right to obtain: (i) records through the procedures set forth in this Chapter; ..." There has been no such limitation set forth in a restrictive order in my criminal case. Therefore, clearly the refusal to release the records on that basis is without merit.

It's also important to point out that Mr. Bartholomew's denial fails to provide that I have the right to appeal the decision and the name and address to file an appeal. These elements are required per UCA § 63G-2-401(2)(b)(i) and (iii). It is believed that, at one time, Sanpete County had an appeals board, but has failed to maintain that policy or ordinance, as required by UCA § 63G-2-701(2)(c). Because they've failed to maintain that ordinance or policy an appeal to the State Records Committee is appropriate at this point. Therefore, I request a hearing be scheduled at the Committee's earliest convenience

Sincerely,

Patrick Sullivan #210357