

## 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: Judith P. Zimmerman Date: 3/31/19

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](mailto: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\(11\)](#))

#### Relief Sought from the Utah Attorney General's Office (AGO):

1. Search again with due diligence for ALL records requested in the original GRAMA request;
2. Release of the two-page File Memorandum dated September 27, 2012, from Glen Davies informing Ms. [REDACTED] of the continuation of her initial probationary period (File Memo);
3. Release of a five-page letter dated October 15, 2015, from Rebecca Parr placing Ms. [REDACTED] on a Performance Improvement Plan (PIP Letter);
4. Release of a one-page letter dated April 26, 2016, from Rebecca Parr informing [REDACTED] of the successful completion of the Performance Improvement Plan (PIP Completion Letter).

#### Rationale:

Solicitor General Tyler Green explains the rationale for not releasing the records of Ms. [REDACTED] personal performance plan. However, that rationale is inapplicable with respect to Mr. Davies' two-page memo (File Memo) regarding extending her initial probationary period. The extension of ones probationary period is relevant to the formal charge that the attorney is not (yet) fit for recognition of completion of probation. The "continuation of a new-employee probationary period" is certainly formal.

As stated in section 2.2 D of the Utah Attorney General June 2013 Policy Manual (i.e., the AGO current policy manual), " If an employee does not successfully complete probation, the Division Chief recommends termination of employment or extension of the probationary period. Prior to the conclusion of the original probationary period, the Division Chief must complete a written evaluation supporting the recommendation." That record, the written evaluation, must also be provided.

Additionally, the AGO reports records have been "misfiled". Therefore, there still may be other records the AGO has yet to identify and provide. The AG office argues that the release of these records is not in the public interest. However it is argued that formal disciplinary actions against a public employee taking a lead role in the defense of state agencies that have been reported for waste, fraud and/or abuse by a government employee is of high public interest.

### 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

See  
attached  
PDF  
file

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 *See attached PDF file*

### 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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