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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 45 days if the chief administrative officer failed to make a determination.

Requester's information

Name: Scott Logan Gollaber SA 187728 Date: 01-28-2015
Address: 3415 South 900 West
City/State/Zip: South Salt Lake City, Utah 84119
Daytime telephone number: N/A Email

Make request to

Nova Dubovik
346 South Rio Grande Street
Salt Lake City, Utah 84101
ndubovik@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))

On September 29, 2014, I requested via GRAMA "I" from Morgan County Sheriff's Office (MCSO) a record believed to exist for which I was referred by Weber County Sheriff's Office. (I did so over my objection to place the burden of seeking a record shared with another government agency on the requester versus the agency who produced/created said record sought). (EXHIBIT A)

On December 4, 2014, Kayt Rhodes, Morgan County Records Officer provided partial responsive materials relating to said GRAMA "I" request. (EXHIBIT B)

On December 19, 2014 I appealed to Logan Wilde's Morgan County Council Chairman. (EXHIBIT C)

On January 14, 2014, Logan Wilde's denied my request claiming all records have been provided. (EXHIBIT D)

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 **EXHIBIT A**
- Notice of denial from the governmental agency's records officer **EXHIBIT B**
- Notice of appeal to the governmental entity's chief administrative officer **EXHIBIT C**
- Notice of denial from the governmental entity's chief administrative officer **EXHIBIT D**

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

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)).

Rosemary Cundiff
346 South Rio Grande Street
Salt Lake City, Utah 84101
rcundiff@utah.gov
(801) 531-3858

**GRAMA Appeal Notice of Denial
(appeals to State Records Committee)**

Date: January 14, 2015

Note: Utah Code § 63G-2-401 (5,7) states that if the chief administrative officer of a governmental entity affirms the denial of a records request upon appeal in whole or in part, it shall provide a notice of denial of the appeal. The denial shall include a statement that the requester has the right to appeal the denial to either the records committee or district court, the time limits for filing an appeal, and the name and business address of the executive secretary of the records committee.

Requester's information

Name: Scott Gollaher S.O. 187728

Address: 3415 S 900 W SLCMJ

City/State/Zip: South Salt Lake City, UT 84119

Daytime telephone number: _____

Respondent's information

Chief administrative officer: Logan Wilde

Government agency or office: Morgan County Council Chairman

Address: 48 W Young St/PO Box 886

City/State/Zip: Morgan UT 84050

The denial of your records request, and subsequent appeal herein, has been affirmed. These records have been classified with restricted access pursuant to GRAMA (Utah Code § 63G-2-201(3)) or court rule, another state statute, federal statute, or federal regulation (Utah Code § 63G-2-201(6)). Please see the attached sheet for a description of the record(s) denied and the reason for the denial.

Notice of appeal

Pursuant to Utah Code § 63G-2-402, you have the right to appeal this decision to the records committee by filing a notice of appeal to the executive secretary or to the district court by filing a petition for judicial review. Please direct your appeal to the records committee to:

Nova Dubovik, State Records Committee Executive Secretary
346 Rio Grande
SLC, UT 84101-1106

Your notice of appeal must be submitted within 30 days of the above denial date and must include your name, mailing address, daytime telephone number, an explanation of the relief sought, and information specific to Rule R35-2. Declining Appeal Hearings. You may also include any supporting information with your notice of appeal.

Description of record	Complete citation of classification or court rule/ order, state statute, federal statute, or federal regulation; and statement of reason
All photos,video,records created by WCSO in relation to the search warrant execution at 131 1st Ave. Suite 502 Salt Lake City, UT that occurred on 7-13-2012	63G-2-201(8)(a)(i) All records have been provided

CRC
7/1/2014
J

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GRAMA Notice of Appeal to State Records Committee

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Requester's information

Name: Scott Logan Gollaber sa 187728 Date: 02-02-2015

Address: 3415 South 900 West

City/State/Zip: South Salt Lake City, Utah 84119

Daytime telephone number: N/A Email [Redacted]

Make request to

Nova Dubovik
346 South Rio Grande Street
Salt Lake City, Utah 84101
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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))

On October 17, 2014 GRAMA "J" was filed with Morgan County Attorney's Office (MCAO) (EXHIBIT A)
On November 2, 2014 I appealed GRAMA "J" to the Chief Administrative Officer (EXHIBIT B).
Due to Morgan County's absence of a GRAMA chief and by mutual agreement I resubmitted GRAMA "J" which was received November 12, 2014 (EXHIBIT C).
On November 24, 2014 Keye Rhoades responded - however none of the records provided were responsive to GRAMA "J" nor were obtained from the parties for which records are sought.
On December 17, 2014 I appealed to Logan Wilde Morgan County Council (EXHIBIT D).
On January 14, 2015 Logan Wilde denied my GRAMA "J" appeal (EXHIBIT E).

Inclusions for notice of appeal

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- Notice of denial from the governmental entity's chief administrative officer

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City/State/Zip: Morgan UT 84050

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Description of record	Complete citation of classification or court rule/ order, state statute, federal statute, or federal regulation; and statement of reason
All photos, video, records created by SLCPD, Suzanne Williams, Gary Trost, or SLCAO in relation to the search warrant execution at 131 1st Ave. Suite 502 Salt Lake City, UT on 7-13-2012	63G-2-201(8)(a)(i) -- <i>writable & records</i> All records have been provided