

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: Michael E. Christiansen, attorney for estate of Tyler Christianson

Date: 10/25/2016

Address: 98 North Main, P.O. Box 876

City/State/Zip: Brigham City, Utah 84302

Daytime telephone number: (435) 723-3404

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)).

The requester, Michael E. Christiansen, attorney for the estate of Tyler Christianson, appeals from Roy City's chief administrative officer's decision affirming Roy City Police Department's denial of his GRAMA request. The GRAMA request sought "Police reports and accident reports, including audio and video recordings, dash cam video, etc., and witness statements regarding automobile accident that occurred June 30, 2016 near 6000 South 3500 West, Roy, Utah,

Although the requester spoke to an attorney for Roy City after October 5, the date on which Roy City CAO's response was due, no decision was made on the appeal prior to that date, and Roy City Police Department's denial of the GRAMA request is therefore considered affirmed under Utah Code §63G-2-401(5)(b)(i).

The requester asks that the State Records Committee order Roy City Police Department to produce the above requested records. A statements of facts and legal authority in support of this appeal is attached hereto.

Appealed to CAO 9/28 + 5 business Days (Oct. 5)
30 days from Decision - Nov. 4 (Timely)

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Per: [Signature]

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
- Notice of denial from the governmental entity's chief administrative officer (see above explanation)

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)).

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