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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 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: David Larsen Date: 10-26-2016

Address: _____

City/State/Zip: _____

Daytime telephone number: _____

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))

I am respectfully requesting that the denial of G.R.A.M.A. filed documents to the Heber City Attorney, City Manager (On Appeal), and City Mayor (On Appeal) be looked at for the proper application as to State Law. I further request that the personal file of Officer Mike Stowe (Heber City Police Department) be released to me for my personal inspection. As I understand the need for Officer safety concerns, I am not asking for any personal information to be revealed in said personal file. I am requesting any files that have to do with previous complaints filed by citizens, and Civil action taken against Officer, and any Departmental action taken against this Officer that may be punitive in nature.

As I was the subject of an Arrest by this Officer under false pretense's, and I was forced to be in my opinion unlawfully Arrested, detained, and charged with multiply Felony Offenses that were all dismissed with Prejidece. After getting out of jail, I immedaetey filed a written complaint concerning the Officer's "Scope of Authority" prior to the Arrest, and the amount of time taken to investigate a simple Catigory one stop. (The United States Supream Court has made case law to determine reasonable time limits). Futhermore, I was charged with Offenses in the State of Utah. My State Toxicology results came back negitive for substances of abuse, and I completly abstan from alcohol and blew .000! As I had waited for the completion of my criminal case to explore the complaint filed (As not to speak to Officer's while involved during the Court proceedings). Once I filed a G.R.A.M.A. request for the investigative files concerning the internal investigation based upon the written complaint, I was notified by the City Attorney had completed his investigation by speaking to the Chief an Lt. regarding the matter. The Command had indicated at that time that no such documentation existed. And was therefore denied. I appealed this decision based upon the fact that I knew at least one document did exist, because I had written it. Approximately two week later I recieved a hand written document (Written 1 1/2 years later. The City Attorney e-mailed to me informing me that this was "Memolrized" documentation of steps taken at the time. This would indicate that no written documentation was completed by the Lt. as stated for in Policy and Procedure Manual.

After more investigation, it was discovered that this same Officer (Mike Stowe) had a Civil Rights Lawsuit filed against him one Month previous to my arrest for the same or similiar violations of citizen basic rights. Therefore, I have requested this Officer's personal file concerning other possible Civil Rights complaints, or violations of Department policy. As I was the subject of the Officer's arrest, and feel the need to disclose this information to me for reaserch purposes, outweighs the need to protect work related issues regarding this Officer's conduct. At the time of my arrest the Officer had been a Police Officer for four years. Having two potential liability issues brought against this Officer in such a short period of time is telling. As well, as the lawsuit filed was going to begin shortly, there would be sufficient reasoning behind command not wanting a further complaint in this Officer's file regarding Civil Rights, and False Arrest issues.

I would ask the Commiunity to please consider the following Case Law when deciding an opinion on this request. "Lawerence V. Utah Department of Public Safety (2013)". (4th District Court Judge Dever. (Ret.)). As well as Utah Supream Court ruling in "Deseret News V. Salt Lake County". Both Court rulings are directly applicable to my current situation involving G.R.A.M.A. request. And both decisions define Case Law in Utah surrounding "Protected Records", as well as the right for them to be released for certian situations. As the City Attorney for Heber City is also legal counsel for all the intides that I was required to Appeal the denial to, it appears as if I am just appealing to the same legal authority that denied me

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

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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