



Linda Siebenhaar <lsiebenhaar@utah.gov>

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## GRAMA Request

1 message

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**Brian Hahn** <bhahn@smithlawonline.com>

Fri, Jan 3, 2014 at 4:50 PM

To: "lsiebenhaar@utah.gov" <lsiebenhaar@utah.gov>

Linda,

Thanks for your help. Please let me know if you have any questions.

Brian Hahn



Paralegal

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**St. Auditor GRAMA request.pdf**

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## GRAMA Request Form

**Note:** Utah Code § 63G-2-204 (GRAMA) requires a person making a records request furnish the governmental entity with a written request containing the requester's name, mailing address, daytime telephone number (if available); and a description of the record requested that identifies the record with reasonable specificity.

### Requester's information

Name: Brian Hahn, Smith Hartvigsen, PLLC

Address: 175 South Main St., Ste. 300

City/State/zip: Salt Lake City, UT 84111

Daytime telephone number: 801-413-1600

### Request made to

Government agency or office: Utah State Auditor

Address: East Office Building, Ste. E310, Utah State Capitol Complex

City/State/zip: Salt Lake City, UT 84114

### Records requested

**Note:** The more specific and narrow the request, the easier it will be for an agency or office to respond to the request. If you are unsure about the records' description, contact the agency or office records officer.

**Note:** Government keeps records in "series" or groups of records. To find out what series an agency or office maintains, visit the Archives' website, <http://archives.utah.gov>. The record series retention schedules on the Archives' website include relevant descriptions.

Title or series number of records (if known): \_\_\_\_\_

Description of records including all relevant information—location of event(s) described in records, city, county, address; date range of the records; names of the person(s); and subject of the request.

Please refer to attached Exhibit A

**Note:** If the record has a restricted access, GRAMA provides that certain individuals may still receive access.

- I am the subject of the record
- I am the authorized representative of the subject of the record
- I provided the information in the record

**Considerations about the desired response**

I would like to:

- View or inspect the records only
- Receive a copy of the records and pay associated fees. Please notify me if the amount will exceed \$ \_\_\_\_\_
- Receive a copy of the records and request a fee waiver. According to Utah Code § 63G-2-203,
  - Releasing the record primarily benefits the public
  - I am the subject, or authorized representative, of the record
  - My legal rights are directly implicated by the information of the record because \_\_\_\_\_, and I am impecunious
- Receive an expedited response (5 days) because releasing the record benefits the public; I request the information for a story or report for publication or broadcast to the general public

**Agency use only**

Date request received: \_\_\_\_\_ Time limit for response: \_\_\_\_\_

**Classification of records (check all that apply):**

- Public, records provided (date) \_\_\_\_\_
- Private, legal citation § § 63G-2-302 or 303 \_\_\_\_\_
- Controlled, legal citation § 63G-2-304 \_\_\_\_\_
- Protected, legal citation § 63G-2-305 \_\_\_\_\_
- Governed by court rule, another state statute, federal statute, or federal regulation \_\_\_\_\_
- Not a record \_\_\_\_\_

**Disclosure of restricted records:**

Is access authorized?

- Private:**
  - Requester is the subject of the record
  - Requester is authorized pursuant to Utah Code § 63G-2-202(1) and has supplied required documentation
  - Requester is not authorized to have access
- Controlled:**
  - Requester is authorized pursuant to Utah Code § 63G-2-202(2) and has supplied required documentation
  - Requester is not authorized to have access
- Protected:**
  - Requester submitted the record
  - Requester is authorized pursuant Utah Code § 63G-2-202(4) and has supplied required documentation
  - Requester is not authorized to have access

Identification provided: \_\_\_\_\_

**Response:**

- Approved, requester notified on \_\_\_\_\_
- Denied, written denial sent on \_\_\_\_\_
- Requester notified agency does not maintain record on \_\_\_\_\_
- Extraordinary circumstances invoked, legal citation \_\_\_\_\_

Consequent arrangements and time limits \_\_\_\_\_

Fee: \_\_\_\_\_

If waived, fee waiver approved by: \_\_\_\_\_

**Note:** Please refer to GRAMA Classification form and GRAMA Fee form for assistance. If access to records is denied in part or in whole, please use the GRAMA Notice of Denial form.

## EXHIBIT A

### 1. DEFINITIONS AND INSTRUCTIONS

1. The term "State Auditor" means the Office of the Utah State Auditor and all agents, attorneys, employees, contractors, experts or representatives of the Office of the Utah State Auditor; all other persons acting at the direction, under the control, with permission of, or on behalf of the Office of the Utah State Auditor; and the Utah State Auditor's predecessors in interest and privies.

2. The term "Dansie" means J. Rodney Dansie and all agents, attorneys, experts or representatives of J. Rodney Dansie; all other persons acting at the direction, under the control, or on behalf of J. Rodney Dansie; and J. Rodney Dansie's predecessors in interest and privies.

3. The term "Dansie Family" means all or any one of the following: J. Rodney Dansie, Richard P. Dansie, Boyd W. Dansie, Joyce M. Taylor, and Bonnie R. Parkin and all agents, attorneys, experts or representatives of J. Rodney Dansie, Richard P. Dansie, Boyd W. Dansie, Joyce M. Taylor, and Bonnie R. Parkin; all other persons acting at the direction, under the control, or on behalf of J. Rodney Dansie, Richard P. Dansie, Boyd W. Dansie, Joyce M. Taylor, and Bonnie R. Parkin; and predecessors in interest and privies of J. Rodney Dansie, Richard P. Dansie, Boyd W. Dansie, Joyce M. Taylor, and Bonnie R. Parkin.

4. The term "Dansie Water Company" means Dansie Water Company and all agents, attorneys, employees, contractors, experts or representatives of Dansie Water Company; all other persons acting at the direction, under the control, with permission of, or on behalf of Dansie Water Company; and Dansie Water Company's predecessors in interest and privies.

5. The term "Foothills Water Company" means Foothills Water Company and all agents, attorneys, employees, contractors, experts or representatives of Foothills Water Company; all other persons acting at the direction, under the control, with permission of, or on behalf of Foothills Water Company; and Foothills Water Company's predecessors in interest and privies.

6. The term "Southwest Water" means Southwest Water Improvement District and all agents, attorneys, employees, contractors, experts or representatives of Southwest Water Improvement District; all other persons acting at the direction, under the control, with permission of, or on behalf of Southwest Water Improvement District; and Southwest Water Improvement District's predecessors in interest and privies.

7. The term "Bagley & Company" means Bagley & Company and all agents, attorneys, employees, contractors, experts or representatives of Bagley & Company; all other persons acting at the direction, under the control, with permission of, or on behalf of Bagley & Company; and Bagley & Company's predecessors in interest and privies.

8. The term "Bagley" means Gerald Bagley and all agents, attorneys, experts or representatives of Gerald Bagley; all other persons acting at the direction, under the control, or on behalf of Gerald Bagley; and Gerald Bagley's predecessors in interest and privies.

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9. The term "Association" means Hi-Country Estates Homeowners Association and all agents, attorneys, experts or representatives of Hi-Country Estates Homeowners Association; all other persons acting at the direction, under the control, or on behalf of Hi-Country Estates Homeowners Association; and Hi-Country Estates Homeowners Association's predecessors in interest and privies.

10. The term "Dansie Trust" means the Dansie Family Trust and all agents, attorneys, employees, experts, trustees, or representatives of the Dansie Family Trust; all other persons acting at the direction, under the control, or on behalf of the Dansie Family Trust; and the Dansie Family Trust's predecessors in interest and privies.

11. The term "Association Property" means the property depicted on the plat map attached as **Exhibit A**.

12. The term "agreement" as used herein shall be broadly construed to mean and include, without limitations, contracts, agreements or understandings or expressions including offers, proposals, modifications, and proposals to modify which in any way, however remote, may have a bearing on the terms and provisions of any contracts, agreements, or understandings, regardless of whether they are oral or written.

13. The term "communication" includes, but is not limited to, all memoranda, notices of meetings, conversations by telephone calls, records of conversations, whether in writing or upon any mechanical electrical, digital, or electronic recording devices, and oral conversations and statements.

14. The terms "Person" or "Persons" mean natural persons, governmental agencies and entities, corporations, limited liability companies, sole proprietorships, firms, unions, associations, partnerships or federations or any other entity.

15. The term "in your possession" means the possession of the State Auditor, all agents, attorneys, employees, experts or representatives of the State Auditor, and all other persons acting at the direction, under the control, or on behalf of the State Auditor.

16. The term "identify" when used in reference to a natural person means to state, to the fullest extent possible, his or her full name, present or last known address, employer, job position, age, sex, and telephone number.

17. The term "identify" when used with respect to a corporation, partnership, sole proprietorship, association, government agency or other entity, means to state such entity's full name, present or last known address and present or last known telephone number.

18. The term "identify" when used in reference to a document means to state the date, author, title, and type of document (e.g., letter, report, etc.) or to provide some other means of identifying the document and to disclose the present location and custodian thereof.

19. The term "date" means the exact day, month and year, if known or ascertainable. If the exact day, month and year are not known or ascertainable, "date" means your best

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approximation of the day, month and year, including the date's relationship to known or ascertainable events.

20. The term "document" means anything within the scope of Utah R. Civ. P. 34 and Utah R. Evid. 1001, including without limitation, electronically stored information, the original, drafts, revisions, nonidentical copies of any statements, letters, correspondence, telegrams, memoranda, notes, records, reports, interoffice communications, emails, data cards, disks, data tapes, calendar and diary entries, microfilm, bulletins, circulars, pamphlets, messages, invoices, maps, charts, tabulations, summaries or abstracts, tape recordings, video recordings, audio recordings, work sheets, any notes or writings pertaining to any meeting, oral or telephone communication, surveys, graphs, statistics, tables, any computer printouts, computer software, or code, whether in machine or human readable form on any medium, computer backups, photographs, rules, regulations, opinions, orders, interpretations, guidelines, and all other documentary material including nonidentical copies.

21. The term "record" means a book letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics.

22. The term "relating to" means refer to, discuss, describe, reflect, identify, deal with, consist of, explain, implement, compromise, or in any way pertain in whole or in part, directly or indirectly, to the subject.

23. The terms "any" and "all" should be understood in either their most or least inclusive sense as will bring within scope of the discovery request all responses that might otherwise be construed to be out of its scope.

24. The terms "and" and "or" shall be construed both conjunctively and disjunctively, and each shall include the other wherever such dual construction will serve to bring within the scope of these interrogatories information that would otherwise not be brought within their scope.

25. The use of the singular form of any word includes the plural and vice-versa.

26. All other words herein shall have their meaning in the ordinary English usage.

27. For each document or record, or portion thereof, that you claim to be privileged; subject to withholding as a private, controlled, or protected under Utah Code Ann. § 63G-2-302, Utah Code Ann. § 63G-2-303, Utah Code Ann. §63G-2-304, or Utah Code Ann. §63G-2-305; or withheld based upon a claim that access is restricted pursuant to court rule, another state statute, federal statute, federal regulation, or as a condition of participation in a state or federal program or for receiving state or federal funds, provide the following information: (1) a description of the record or portions of the record to which access was denied; (2) citations to the provisions of the Utah Code (including any subsection thereof), court rule or order, another state statute, federal statute, or federal regulation that exempts the record or portions of the record from disclosure; and (3) provide instructions regarding the right to appeal the denial of access to the records.

**2. REQUESTED DOCUMENTS**

1. All documents relating to Dansie, the Dansie Family, the Dansie Trust, Dansie Water Company, Foothills Water Company, Southwest Water, Bagley & Company, Bagley, or the Association.
2. Any notices to, by, or regarding Dansie, the Dansie Family, Dansie Water Company, Foothills Water Company, Southwest Water, the Association, Bagley & Company, Gerald Bagley, the Dansie Trust, the Association's Water Right or the Dansie Water Rights.
3. Any documents containing or regarding correspondence or communications sent to, received from, or regarding Dansie, the Dansie Family, Dansie Water Company, Foothills Water Company, Southwest Water, Bagley & Company, Bagley, the Association, or the Dansie Trust.
4. All documents relating to inquiries, requests for information, complaints, or other communications with or regarding Dansie, the Dansie Family, Dansie Water Company, Foothills Water Company, Southwest Water, Bagley & Company, Bagley, the Association, or the Dansie Trust.
5. All documents relating to audits regarding Dansie, the Dansie Family, Dansie Water Company, Foothills Water Company, Southwest Water, Bagley & Company, Bagley, the Association, or the Dansie Trust.
6. All documents relating to reports concerning Dansie, the Dansie Family, Dansie Water Company, Foothills Water Company, Southwest Water, Bagley & Company, Bagley, the Association, or the Dansie Trust.
7. Documents related to or supporting the documents in the foregoing categories.