



OFFICE OF THE
UTAH STATE AUDITOR

January 16, 2014

Brian Haun
Smith Hartvigsen, PLLC
Walker Center, Suite 300
175 S. Main Street
Salt Lake City, Utah 84111

Dear Mr. Haun:

Thank you for your request for records made pursuant to Utah's Government Records Access and Management Act (GRAMA). On January 3, 2014, you requested the following records from the Office of the Utah State Auditor (Auditor's Office):

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, the Dansie Trust, 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, the Dansie Trust, Dansie Water Company, Foothills Water Company, Southwest Water, Bagley & Company, Bagley, the Association, or the Dansie Trust.
4. All documents relating to inquires, requests for information, complaints, or other communications with or regarding Dansie, the Dansie Family, the Dansie Trust, 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, the Dansie Trust, 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, the Dansie Trust, 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.

After consulting with our legal counsel in the Utah Attorney General's Office, we have been able to identify documents that are responsive to your request. Please contact me if you wish to schedule a time to come to our office to view or inspect these records. It should be noted that all documents responsive to your request will not be provided at that time pursuant to the requirements of GRAMA. A review of

these records shows that many of the requested records in possession of the Auditor's Office are non-public records based upon the following statutes: *Utah Code* § 63G-2-305(10), (16), (17), (18), (22) & (23); and *Utah Code* § 63G-2-302(2)(d). This is based upon the governmental audit duties of the Auditor's Office in respect to the above listed entities and these records being used in a potential civil and/or criminal action.

Additionally, it appears that many of the records that you requested are records for which the Auditor's Office is not the record holder. See *Utah Code* § 63G-2-206(1) and § 63G-2-103(22)(a). Accordingly, it would be unlawful for the Auditor's Office to disclose these records. Therefore, records regarding the Southwest Water Improvement District that have been provided by that District to the Auditor's Office should be obtained directly from that governmental entity. We have the following person listed as a contact for Southwest Water Improvement District:

Rod Dansie, Board Member
Southwest Water Improvement District
7198 West 13090 South
Herriman, UT 84065

Pursuant to *Utah Code* § 63G-2-401, you have the right to appeal the denial of this request to the chief administrative officer, John Dougall, Utah State Auditor. 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, and an explanation of the relief sought. You may also include a short statement of facts, reasons, and legal authority in support of your appeal. Your appeal may be submitted at the address listed below.

Sincerely,



Linda Siebenhaar
Records Officer, Office of the Utah State Auditor
801-538-1363
Lsiebenhaar@utah.gov