

## 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: Neil A. Kaplan and Kody L. Condos

Address: C/O Clyde Snow & Sessions, 201 S. Main Street, 13th Floor

City/State/zip: Salt Lake City UT 84111

Daytime telephone number: 801-433-2516

### Request made to

Government agency or office: Office of the State Auditor (Sent via email mteerlink@utah.gov)

Address: East Office Building, Suite 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.

See 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 \$ 1,000.00
- 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. The term “UDAF” means and refers to the Utah Department of Agriculture and Foods.
2. The term “OFFICE” means and refers to the Office of the State Auditor and any employees, predecessors, successors, assigns, agents, employees, officers, directors, affiliates, partners, subsidiaries, parent corporations, investors, attorneys or other persons or entities acting on the Office of the State Auditor’s behalf or in support of the AUDIT performed by the Office.
3. The term “PROGRAM” means and refers to the Utah Medical Cultivation Cannabis program.
4. The term “COMMITTEE” means and refers to the six-person evaluation committee that was responsible for the evaluation of each application for cannabis grower licenses for between January 1, 2019 and the date of this request.
5. The term “COMMITTEE MEMBER” means and refers to each and every individual who served as a member of the COMMITTEE between January 1, 2019 and the date of this request, whether selected by the current Commissioner or the former Commissioner, and regardless of which entity the member was selected from (UDAF Management, UDAF Staff, or community members), and includes any COMMITTEE MEMBER’s predecessors, successors, assigns, agents, employees, officers, directors, affiliates, partners, subsidiaries, parent corporations, investors, attorneys or other persons or entities acting on the COMMITTEE MEMBER’s behalf or in support of the COMMITTEE MEMBER’s duties for the COMMITTEE.
6. The term “COMMUNICATION(S)” includes any transfer of information, ideas, opinions or thoughts by any means, written, electronic, oral or otherwise, at any time or place under any circumstances. The definition is not limited to transfers between persons but also includes other transfers, such as records and memoranda to file; any written letter, memorandum, or other document which was sent by one or more individuals to another or others; any telephone call between one or more individual and another or others, whether such call was by chance or prearranged, formal or informal; and any conversation or meeting between one or more individuals and another, whether such contact was by chance or prearranged, formal or informal.
7. The terms “DOCUMENT” and “DOCUMENTS” mean all materials that constitute “writings” or “recordings” including but not limited to: the original and each nonidentical copy of any written, printed, typed, recorded, computerized, electronic, taped, graphic, or other matter, in whatever form, whether different from the original by means of any notation made on such copies or otherwise, whether in final or draft, and including electronically stored information and tangible things.

8. The term "PERSON(S)" includes natural persons, any business entities and all other forms of legal entities, including divisions, subsidiaries, departments, and other units of other entities. Examples of entities that are "persons" are companies, corporations, partnerships, joint ventures, voluntary or unincorporated associations, business organizations, trade organizations, standards organizations, governmental entities (including commissions, bureaus and departments), trusts, estates, sole proprietorships and all other entities similar to any of these examples.
9. The term "REFERRING TO" means comprising, mentioning, describing, containing, enumerating, involving, regarding, or in any way concerning, identified in, pertaining, corresponding, or referring to, being connected with, reflecting on or resulting from, in whole or in part, directly or indirectly, the stated subject matter.
10. The term "AUDIT" means and refers to the Special Project Audit conducted by the Office of the State Auditor, Report No. DAG-20-OA, conducted for the period April 2019 through June 2020 and any exhibits thereto. For reference, the AUDIT including all exhibits thereto is attached hereto as Exhibit B.
11. The term "AUDITOR(S)" means and refers to any employee, agent, representative, staff, agents, officers, directors, or any other persons acting on behalf of the Office of the State Auditor between March 1, 2020 and the date of this request.
12. The term "SUBSEQUENT AUDIT" means any audit of the UDAF and the PROGRAM that has been or may be conducted at any time after the completion of the AUDIT.
13. The term "RECORD" has the same meaning as the term is defined in Utah Code Ann. § 63g-2-103(22).
14. The term "Governmental Entity" has the same meaning as the term is defined to mean in Utah Code Ann. § 63g-2-103(11).
15. Any term not defined herein shall have the meaning given to that term, if any, in Utah Code Ann. § 63g-2-103.

### **REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

1. All Documents, Communications, and Records received from the UDAF between March 1, 2020 and the date of this request which were used, referenced, relied upon, or received in relation to the Audit and/or any Subsequent Audit that may be conducted.
2. All Documents, Communications, and Records evidencing between or referring to any Auditors and Department of Administrative Services Division of Purchasing or as referenced in the Audit at page 5.

3. All Documents, Communications, and Records received from any State Official, State Agency, or Governmental Entity related to the preparation of, results, of, or in any way referring to the Audit, its preparation, or its results.
4. All Documents, Communications, and Records State Official, State Agency, or Governmental Entity related to any Subsequent Audit of the UDAF and the Program.
5. All Documents, Communications, and Records evidencing any reports of concerns related to actions taken by any member of UDAF management during the period April 1, 2019 through January, 2020 as referenced on Page 1 of the Audit.
6. All Documents, Communications, and Records evidencing or related to any allegations of noncompliance by any member of UDAF with any state or federal law, or administrative rule governing the UDAF and the Program during the period April 1, 2019 through the date of this request.
7. All Documents, Communications, and Records evidencing or related to the methods and procedures employed by the Committee and the UDAF in scoring and evaluating all applications to the Program.
8. All Documents, Communications, and Records evidencing or referring to any modification(s) in the scores assigned by any individual Committee Member. This request includes, but is not limited to, all documents related to the “significant adjustments [that] were made to the raw score of other UDAF staff serving as [C]ommittee [M]embers . . . ” as referenced in the Audit at page 5, any and all recommendations from Purchasing Officials that “committee members discuss large variances in raw scores” and any Documents, Communications, and Records outlining what steps were taken in response to the recommendation.
9. All Documents, Communications, and Records referring to the Committee’s process of scoring and evaluating Program applicants, to include but not limited to, all information, Documents, Communications, and Records referenced in the Audit at page 1.
10. All formal and informal, written and unwritten Documents, Communications, and Records referring to the management, operation, governance, and procedures employed by the UDAF in implementing and managing the Program.
11. All “cannabis related policies and procedures [that] have been in place throughout the process of establishing this new [P]rogram” as referenced in the Attachment A to the Audit, the UDAF’s November 13, 2020 response to the Audit.
12. All Documents, Communications, and Records evidencing, or referring to the October 2, 2019 Directive issued by the Governor’s Office which is referenced in the Audit at page 3,

note 1 including but not limited to all Documents, Communications, and Records referencing the Former Commissioner's placement on administrative leave and resignation.

13. All Documents, Communications, and Records by or between the UDAF and any Auditor(s) related to the Audit or the investigation leading up to the Audit.
14. All Documents, Communications, and Records evidencing or referring to the Former Commissioner's "on-site visits to the facilities of Applicant A" as referenced in the Audit at page 5.
15. All Documents, Communications, and Records evidencing or referring to any vehicle usage reports or logs kept by or for the Former Commissioner as referenced in the Audit at pages 6 – 8.
16. All Documents, Communications, and Records evidencing or referring to any action taken by the UDAF in response to the recommendations given on page 8 of the Audit.
17. All Documents, Communications, and Records evidencing or referring to any complaint, statement, or suspicion related to the Former Director and the Former Public Information Officer's ability to perform their UDAF duties as outlined in the Audit at page 12.
18. All Documents, Communications, and Records evidencing or referring to all formal and informal policies and procedures implemented by the UDAF related to the operation and implementation of the Program.
19. All Documents, Communications, and Records evidencing or referring to any current or former Conflict of Interest Policy as referenced on the UDAF's response to the Audit, which is attached as Attachment A to the Audit.
20. All Documents, Communications, and Records evidencing or referring to any UDAF employees, officers, agents, directors, Committee Members, or others receipt of instructions to provide conflict of interest disclosure as referenced in the Audit at p. 12.
21. All Documents, Communications, and Records evidencing or referring to any bonus received by the Former Director, the Former Public Information Officer, or any other employee or Committee Member as referenced in the Audit at pages 13-14.
22. All Documents, Communications and Records that relate to, refer to, or were relied upon during the Office's preparation of the Audit, including any statistical analysis performed, notes, impressions, or logs created as part of the Audit process.