



OFFICE OF THE
STATE AUDITOR

November 30, 2020

Kody L. Condos, Attorney
Neil A. Kaplan, Attorney
Clyde Snow & Sessions
201 South Main Street, Ste. 1300
Salt Lake City, UT 84111
801-433-2516

Dear Ms. Condos and Mr. Kaplan:

This letter is in response to your GRAMA request dated November 25, 2020 which we received in our office on November 30, 2020. In your letter, you requested the following records:

- 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."

We currently have records responsive to your request. However, the documents responsive to your request cannot be provided at this time. Due to an investigation, the records are currently protected under Utah Code § 63G-2-305(10). We will attempt to satisfy your request once the investigative hold has been lifted, but we do not have a timeframe for when the hold will be lifted.

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 any supporting information with your notice of appeal. Your appeal may be submitted at the address listed below.

Sincerely,

Mandy Teerlink
Records Officer
Office of the Utah State Auditor