



Mandy Teerlink <mteerlink@utah.gov>

GRAMA Request

1 message

Accountable.US FOIAs <foia@accountable.us>
To: mteerlink@utah.gov

Mon, Sep 20, 2021 at 9:20 AM

Utah Office of the State Auditor
ATTN: GRAMA Officer
East Office Building, Suite E310
Utah State Capitol Complex
Salt Lake City, Utah 84114
Email: mteerlink@utah.gov

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Re: Government Records Access and Management Act

Pursuant to GRAMA, Utah code Title 63G Chapter 2, and the implementing regulations of your agency^[1], Accountable.US requests access to and copies of the following records related to the Utah nonprofit Foundation for Integrated Resource Management (FIRM):

- Any information sent by FIRM to the Auditor's office, including but not limited to financial statement reports, state compliance audit reports, schedules of expenditures of state rewards, agreed upon procedures reports, completed IRS 990 forms for 2019 and 2020, or any other record submitted by FIRM to the Auditor's office.
- All correspondence, including but not limited to letters, texts, emails, and faxes, sent between FIRM leadership and the Auditor's office between January 1, 2019 and September 20, 2021, including correspondence sent to FIRM leadership from the Auditor's office. FIRM leadership includes Stan Summers, Jeremiah Riley, Johnnie Miller, and Celeste Maloy.

["Correspondence" should include but not be limited to: emails, email attachments, text messages, telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any responsive communications, summaries of any responsive communications, or other materials reflecting communications sent to, from, carbon copying (CC), or blind carbon copying (BCC) all relevant individuals.]

If possible, we would prefer to receive this information electronically via e-mail at FOIA@accountable.us. Alternatively, we prefer PDF files on a USB drive or CD/DVD sent by mail to Accountable.US, [1919 M St. NW, Suite 450, Washington, DC 20036](#). If you have questions or need additional information, please feel free to call me at (312) 772-5218.

Fee Waiver Request

Accountable.US requests a waiver of fees because it qualifies for classification as a "news media" requester, responsible only for duplication fees under FOIA's fee assessment provisions.^[2]

So-called media status is consistent with how Accountable.US components have been treated by multiple agencies. The U.S. Department of the Treasury, Consumer Financial Protection Bureau (CFPB), and Federal Communications Commission (FCC) have all recognized this status in light of the regular publication and dissemination activities in which Accountable.US and its components, engage. Accountable.US will also make materials it gathers available on its public website.^[3]

The disclosure of the requested information is also “in the public interest because it is likely to contribute significantly to public understanding” of government operations and is not “primarily in the commercial interest of the requester.” The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public's business. There is significant public interest in ethics among environmental regulators.

This request is primarily and fundamentally for non-commercial purposes.^[4] On March 26, 2019, Accountable.US applied to be recognized as a not for profit, 501(c)(3) organization, with the Internal Revenue Service. Accordingly, Accountable.US does not have a commercial purpose and the release of the information requested is not in Accountable.US's financial interest. Accountable.US's mission is to ensure public officials are advancing policies in the public's interest not for special interests.

Accordingly, Accountable.US qualifies for a fee waiver.

Conclusion

If you have any questions regarding this request, including how to construe the records sought or appropriate searches to locate them, please contact Accountable.US.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. Additionally, if any documents are withheld based on the Agency's interpretation of any exemption, Accountable.US requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). Specifically, this Vaughn index should describe withheld documents with enough specificity to determine whether the material is exempt under the act and must describe each document or portion withheld.

Thank you for your assistance.

Sincerely,

Derek Martin

c/o Abraham Payton

^[1] 40 C.F.R. § 1515 et seq

^[2] 5 U.S.C. § 552(a)(4)A(iii).

^[3] Accountable.US and its components have demonstrated a commitment to public disclosure and public education through its website. For example, their websites contain multiple substantive analyses, document repositories, and other educational resources: AlliedProgress.org/research; AlliedProgress.org/campaigns; RestorePublicTrust.org/news; RestorePublicTrust.org/BigPharmasBestFriends; WesternValuesProject.org/DepartmentofInfluence

[4] 5 U.S.C. § 552(a)(4)(A)(iii).