



OFFICE OF THE  
STATE AUDITOR

September 29, 2021

Scott Miller

[REDACTED]  
[REDACTED]@gmail.com

Dear Mr. Miller:

This letter is in response to your Notice of Appeal the Office of the State Auditor (OSA) received September 15, 2021 in which you argue “John Dougall erred by not providing any and all text messages, emails, etc. from Ms. Aimee Winder-Newton, Ms. Kim Coleman, Mr. Derek Brown, and Mr. Scott Anderson.”

Your Notice of Appeal to the chief administrative officer of OSA is untimely and beyond the length of time allowed under the Government Records Access Management Act (GRAMA), Utah Code § 63G-2-401(1)(a). Your GRAMA request for the above referenced information was originally received by OSA on July 6, 2021 and records responsive to your request were provided to you on July 20, 2021. GRAMA allows a requester 30 days to appeal to the chief administrative officer from the date the record request is considered denied – July 20, 2021, Utah Code § 63G-2-401(1)(a). Your Notice of Appeal dated September 15, 2021 was received by OSA 57 days after records responsive to your request were provided. Therefore, your Notice of Appeal is denied as it does not meet the statutory time frame for appeal as provided by GRAMA.

We note the OSA received a duplicative GRAMA request from you and your wife via email on August 16, 2021. However, that GRAMA request was duplicative of your July 6, 2021 GRAMA request and was already fulfilled by OSA on July 20, 2021. GRAMA does not allow for multiple or subsequent GRAMA requests for the same records once a GRAMA request has been received and fulfilled, Utah Code § 63G-2-201(8)(d).

Even if your appeal was considered timely, despite your claims, all responsive records to your July 6, 2021 GRAMA request were provided to you on July 20, 2021. To the extent you are erroneously requesting copies of personal communications, any personal communications of an officer of a governmental entity in a capacity other than the officer’s governmental capacity or that is unrelated to the conduct of the public’s business are not defined as records under GRAMA, Utah Code § 63G-2-103(22)(b)(i). Only government records are governed by GRAMA and subject to disclosure under GRAMA, Utah Code § 63G-2-201(2).

Pursuant to Utah Code § 63G-2-403, you have the right to appeal the response to this request to the State Records Ombudsman and State Records Committee.

Please note that all GRAMA requests, responses, and associated appeals are posted on our website as a matter of office practice (with personal information, such as address, redacted). We do this to provide transparency and accountability to the public at large.

Sincerely,

John Dougall  
State Auditor