

James S. Jardine (1647)
Samuel C. Straight (7638)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
P.O. Box 45385
Salt Lake City, Utah 84145-0385
Telephone: (801) 532-1500
Facsimile: (801) 532-7543
Email: jjardine@rqn.com
ssstraight@rqn.com

Steven M. Sandberg (12421)
David M. Andersen (16352)
Stephen M. Craig (12066)
Office of the General Counsel
BRIGHAM YOUNG UNIVERSITY
A357 ASB
Provo, Utah 84602
Telephone: (801) 422-3089
Facsimile: (801) 422-0265
Email: steve_sandberg@byu.edu
david_andersen@byu.edu
stephen_craig@byu.edu

Attorneys for Brigham Young University

**IN THE FOURTH JUDICIAL DISTRICT COURT,
UTAH COUNTY, STATE OF UTAH**

BRIGHAM YOUNG UNIVERSITY,

Plaintiff,

vs.

The UTAH STATE RECORDS
COMMITTEE; and JESSICA MILLER on
behalf of THE SALT LAKE TRIBUNE,

Defendants.

**COMPLAINT FOR JUDICIAL REVIEW
OF AN ORDER BY THE UTAH STATE
RECORDS COMMITTEE**

Case No. _____

Judge _____

TIER 2

Brigham Young University (“BYU”), by and through undersigned counsel, files this complaint pursuant to Utah Code § 63G-2-404 for judicial review of the September 23, 2019, Decision and Order (“Order”) of the State Records Committee of the State of Utah (the “SRC”). This case concerns the May 14, 2019, request of Jessica Miller on behalf of The Salt Lake Tribune (the “Tribune”) for access to private internal emails between BYU’s University Police and other departments within BYU, pursuant to the Government Records Access and Management Act (“GRAMA”). A true and correct copy of the Order is attached hereto as Exhibit 1.

INTRODUCTION

The emails at issue in this case are private, internal emails, many of which contain private and personal information of BYU's students, employees, and others, and are not records subject to GRAMA. University Police coordinates with other campus departments at BYU on various private and personal issues related to students and others, such as meeting Clery Act reporting requirements, responding to suicide ideations, performing student safety checks, responding to severe injuries of students, and conducting threat assessments. Indeed, the majority of the emails at issue contain private and personal information of BYU students, which are protected under the Family Educational Rights and Privacy Act ("FERPA"), and according to GRAMA, their disclosure is governed by FERPA, not by GRAMA. BYU seeks to protect the privacy of its students, employees, and others, which would be seriously curtailed if these emails were disclosed, contrary to FERPA and GRAMA.

At the time these private, internal emails were prepared, owned, received, and retained, BYU's University Police was a private, nongovernmental entity. The Tribune first made a request for most of these same private internal emails in 2016, and the SRC ruled that BYU was not subject to GRAMA, after which the Tribune appealed. That case is currently pending before the Utah Supreme Court on the issue of whether University Police was to be deemed in 2016, contrary to the plain language of the statute, a governmental entity subject to GRAMA. Effective May 14, 2019, University Police became a governmental entity subject to GRAMA based on prospective statutory changes that the Utah Legislature made with BYU's full support.

On the same day the amendments took effect, the Tribune made another request for the same internal emails at issue in its 2016 request, as well as some additional emails. University Police denied the request because (1) at the time the emails were exchanged, University Police was an

internal department of a private university, not a governmental entity subject to GRAMA; (2) the majority of the emails are protected by FERPA and therefore are not subject to GRAMA; (3) the emails are not “records” as defined by GRAMA; (4) even if the emails were “records” subject to GRAMA, which they are not, many of the emails contain personal and private information about BYU students, employees, and others, and their disclosure would constitute a clearly unwarranted invasion of privacy; and (5) many of the emails are protected by the attorney-client privilege.

The SRC ignored BYU’s argument that University Police and its emails at the time were not subject to GRAMA, as well as the fact that many of the emails contain FERPA protected-records not subject to disclosure under GRAMA. Instead, the SRC presumed that the emails are “records” governed by GRAMA and ordered University Police to “provide records responsive to Petitioner’s records request to the Committee in order to allow the Committee sufficient time to review the records *in camera* prior to the next hearing to determine whether the records are subject to GRAMA and if so, whether the records have been properly classified by BYU PD pursuant to GRAMA.” Order at 2. BYU seeks judicial review to overturn the SRC’s erroneous decision.

PARTIES AND JURISDICTION

1. BYU is a private university located in Utah County, Utah. University Police is an internal department at BYU. The mailing address of University Police is 2120 Jesse Knight Building, Provo, UT 84602.

2. The SRC is a public body within the Utah Department of Administrative Services, and its duties include hearing GRAMA appeals. The SRC is a necessary party to this action. Utah Code § 63G-2-404(1)(b).

3. The Salt Lake Tribune is a newspaper in Salt Lake City, Utah. Jessica Miller is a reporter for the Tribune and resides, on information and belief, in Salt Lake County.

4. Jurisdiction and venue are proper pursuant to Utah Code §§ 63G-2-404, 78B-3-307(1)(a). This complaint is timely filed “no later than 30 days after the date of the order,” which was dated and entered on September 23, 2019.

GENERAL ALLEGATIONS

5. On or about May 14, 2019, the Tribune requested two sets of emails:

- a. “all emails between [University Police] and the following email addresses sent or received from 2011–2017: hco@byu.edu; sarah_westerberg@byu.edu; melba_latu@byu.edu; vernon_heperi@byu.edu; spencer_hawkins@byu.edu; linda_rowley@byu.edu; jennifer_langi@byu.edu; john_kwarm@byu.edu”; and
- b. “All email correspondence between [University Police] employee Aaron Rhoades and anyone employed at the Honor Code Office between 2011–2018.”

A true and correct copy of the Tribune’s 2019 request is attached hereto as Exhibit 2.

6. The Tribune’s 2019 GRAMA request sought many of the same emails that the Tribune had already requested in 2016.

7. The Tribune indicated in its own reporting that through the 2019 request, the “Tribune **reiterated its request** for correspondence between the police department and the Honor Code Office, first made by a reporter in 2016.”¹

¹ Erin Alberty, *With BYU police explicitly covered by open-records laws, Salt Lake Tribune seeks documents about Honor Code investigations*, SALT LAKE TRIB. (May 15, 2019), <https://www.sltrib.com/news/2019/05/15/with-byu-police/> (emphasis added).

8. University Police denied the Tribune's 2016 request because University Police was not a governmental entity subject to GRAMA at that time. The SRC confirmed that University Police was not subject to GRAMA. The Tribune appealed the SRC's decision to the Third District Court. That case was appealed to the Utah Supreme Court, which heard argument on the appeal on October 4, 2019, and the parties are awaiting the Court's decision.

9. University Police responded to the Tribune's 2019 request by informing the Tribune that, although University Police was now a governmental entity under GRAMA, the emails were not subject to GRAMA and are not "records" under GRAMA, and that the vast majority of the emails sought were the subject of pending litigation, and that even if the emails were "records" under GRAMA (they are not), they would be considered private. A true and correct copy of BYU's correspondence in connection with the 2019 request is attached hereto as Exhibit 3.

10. The majority of the emails sought contain personal and private information regarding BYU students and are therefore protected under FERPA and not subject to disclosure under GRAMA.

11. On or about June 25, 2019, the Tribune filed a notice of appeal with the SRC. A true and correct copy of the Tribune's notice of appeal is attached hereto as Exhibit 4.

12. The SRC scheduled a hearing on the Tribune's appeal on September 12, 2019.

13. On September 5, 2019, BYU timely submitted to the SRC its response to the Tribune's notice of appeal. A true and correct copy of BYU's September 5, 2019, letter is attached hereto as Exhibit 5.

14. In its September 5 response, BYU reiterated the arguments outlined above about why the emails at issue are not subject to disclosure under GRAMA. *See Ex. 5 at 1-2.*

15. Holly Richardson is a member of the SRC and is also an opinion columnist compensated by the Salt Lake Tribune, and she therefore has a direct conflict of interest in ruling on the Tribune's request to University Police.

16. In its September 5 response to the SRC, counsel for University Police objected to Holly Richardson participating in the proceedings given the conflict of interest.

17. At the September 12, 2019, the SRC hearing on the matter, counsel for University Police again objected to Ms. Richardson participating in the proceedings, but she refused to recuse herself.

18. It is improper for the Chair *Pro Tem* of the SRC to sit in and deliberate and ultimately decide a case in which she has a direct conflict of interest.

19. On September 23, 2019, the SRC issued the Order, attached as Exhibit 1 hereto.

20. The Order does not address University Police's primary argument that the private, internal emails between University Police and other departments of BYU, particularly FERPA-protected records, are not subject to disclosure under GRAMA.

21. Rather, the Order appears to presume that the emails are records, and it orders University Police to provide all of the emails to the SRC so it can review them *in camera*.

22. The Order also fails to acknowledge that the SRC seeks to conduct an *in camera* review over FERPA-protected documents, even though GRAMA expressly reserves disclosure of FERPA-protected documents to be governed by FERPA, not GRAMA.

23. Disclosure of the emails to the SRC would constitute an impermissible disclosure FERPA and would constitute an invasion of student privacy protected by federal law.

RELIEF REQUESTED AND STATEMENT OF REASONS

24. BYU respectfully requests that the Court reverse the SRC's decision and determine that FERPA-protected records are not subject to disclosure under GRAMA, that the private internal emails at issue are not "records" subject to GRAMA, and even if they were "records," they would not be subject to disclosure because they are private and/or protected.

FERPA-Protected Emails Are Not Subject to Disclosure under GRAMA, and the SRC May Not Order Their Disclosure.

25. The purpose of FERPA is to protect "the privacy of students." 20 U.S.C. § 1232g(a)(2).

26. FERPA generally prohibits "disclosure" of a student's "education records" without the student's consent. 34 C.F.R. § 99.30.

27. Under FERPA, "education records" include those records that are maintained by an institution of higher education, which are "directly related to a student." 34 C.F.R. § 99.3.

28. The majority of the emails sought in this case are "education records" protected from disclosure under FERPA.

29. Under FERPA, "disclosure" means "to permit access to or the release, transfer, or other communication of *personally identifiable information* contained in education record by any means." *Id.* (emphasis added).

30. Under FERPA, "personally identifiable information" includes not only names, student numbers, addresses, dates of birth, and other personal identifiers, *but also* any "[o]ther information that, alone or in combination, is linked *or linkable* to a specific student that would allow a reasonable person [within the institution], who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty." *Id.* (emphasis added).

31. According to the U.S. Department of Education, “FERPA is not an open records statute or part of an open records system. The only parties who have a right to obtain access to education records under FERPA are . . . eligible students. *Journalists, researchers, and other members of the public have no right under FERPA to gain access to education records for school accountability or other matters of public interest . . .*”²

32. In 2016, in connection with H.B. 288, the Utah Legislature amended GRAMA to expressly state that disclosure of FERPA-protected records is governed by FERPA.

33. H.B. 288 was drafted as a result of a case in which the media issued a GRAMA request and a school district was forced to disclose private information about a student who had been a victim of abuse. The sponsors of H.B. 288 considered the fact that the students’ names had been redacted before disclosure in that case to be an insufficient protection for those students and sought to change the law so that such records were not “GRAMA-able” in the first place.³

34. Legislative opponents who were against H.B. 288 considered the existing redaction methods under the GRAMA regime to be sufficient to protect student privacy, and warned that the bill “takes the whole category of FERPA records out of GRAMA.”⁴

35. Despite media opposition, H.B. 288 passed and was signed into law in 2016 and resulted in new language within GRAMA, stating the following: “The disclosure of an education record as defined in [FERPA], that is controlled or maintained by a governmental entity, shall be governed by [FERPA].” Utah Code § 63G-2-107(2).

36. Documents protected under FERPA are not subject to disclosure under GRAMA.

² Family Educational Rights and Privacy, 73 Fed. Reg. 74805, 74831 (Dec. 9, 2008) (emphasis added).

³ See Testimony of Rep. Craig Hall, Utah House Education Committee Hearing (Feb. 11, 2016); Testimony of Rep. Craig Hall, Utah House Floor Debate, Day 29 (Feb. 23, 2016), available at <https://le.utah.gov/~2016/bills/static/HB0288.html>.

⁴ Testimony of Rep. Brian King, Utah House Floor Debate, Day 29 (Feb. 23, 2016).

37. Accordingly, because most of the emails sought by the Tribune are “education records” under FERPA, they legally may not be disclosed under GRAMA.

University Police Was Not a Governmental Entity Subject to GRAMA when the Emails Were Exchanged.

38. BYU is a private university.

39. BYU established University Police in 1952 and has continuously operated, managed, and funded the entire University Police operation.

40. University Police is an internal department within BYU.

41. At the time the emails at issue in this case were sent and received, University Police was not a “governmental entity” subject to GRAMA.

42. The State of Utah—including the Utah Division of Archives and Records Services (“UDARS”), the SRC, and the Attorney General’s Office—took the position the University Police was not a “governmental entity” subject to GRAMA.

43. In fact, UDARS did not even recognize University Police as a governmental entity that was able to use resources (e.g., UDARS website) for public records requests.

44. Therefore, University Police and emails that it sent and received during the relevant period are not subject to disclosure under GRAMA.

45. The passage of S.B. 197 in 2019 made University Police a “governmental entity” under GRAMA, only prospectively, beginning May 14, 2019.

46. Applying S.B. 197 retroactively to the emails at issue in this case is prohibited by statute (Utah Code § 68-3-3) and case precedent (e.g., *Waddoups v. Noorda*, 2013 UT 64, ¶ 6, 321 P.3d 1108 (2013)).

47. In passing S.B. 197, the Legislature expressly indicated the legislation does not apply retroactively and applies to “nothing in the past.”⁵

48. Applying S.B. 197 retroactively to the emails at issue in this case would be fundamentally unfair because these emails were exchanged without any understanding or expectation that they might possibly one day become subject to public disclosure.

49. Accordingly, neither University Police nor the emails that it exchanged with other campus departments during the relevant period are subject to disclosure under GRAMA.

The Requested Emails Are Not “Records” Subject to GRAMA.

50. University Police officers perform not only public law enforcement functions but also private internal functions on behalf of BYU, such as responding to suicide ideations, conducting threat assessments, providing campus security, performing student safety checks, teaching courses and trainings, and serving on various internal university committees.

51. Most if not all of the emails at issue in this case were prepared or received “in a capacity other than [a] governmental capacity.” Utah Code § 63G-2-103(22)(b)(i)(A).

52. Further, most if not all of the emails sought at issue in this case were are “unrelated to the conduct of the public’s business.” Utah Code § 63G-2-103(22)(b)(i)(B).

53. The emails are specifically excluded from GRAMA’s definition of “record” because each of them is a personal communication that was “prepared or received . . . (A) in a capacity other than the employee’s or officer’s governmental capacity; or (B) that is unrelated to the conduct of the public’s business.” Utah Code § 63G-2-103(22)(b)(i).

⁵ Hearing of the Utah Senate Judiciary, Law Enforcement and Criminal Justice Committee (Feb. 26, 2019), <https://le.utah.gov/av/committeeArchive.jsp?timelineID=136060>.

54. Under GRAMA, “person” means not only individuals but also private institutions, such as Utah nonprofit corporations, including BYU. Utah Code § 63G-2-103(17).

55. Therefore, “personal communication” necessarily includes communications that are specific to any “person,” including internal emails within a private institution.

56. Additionally, all of the emails sought in this case were sent and received prior to the time when University Police became a governmental entity under GRAMA (May 14, 2019).

57. Therefore, these emails are also not “records” because they were not “prepared, owned, received, or retained” by a governmental entity. Utah Code § 63G-2-103(22)(a)(i).

58. The Oxford Dictionary defines “retain” as “to *continue* to possess (something).” Thus, “retain” means more than simply “possessing” something.

59. University Police did not “retain” the emails at issue in this case as “records” of a “governmental entity” under GRAMA because the emails were never “records” of a “governmental entity” to begin with.

60. Past internal emails between departments of a private university are not subject to GRAMA and did not become subject to GRAMA simply because one of those departments later became subject to GRAMA prospectively only.

Even if the Emails Are Records under GRAMA, They Are Not “Public Records” Subject to Disclosure.

61. GRAMA’s definition of “public records” subject to disclosure specifically excludes those records that are “private, controlled, or protected.” Utah Code § 63G-2-103(21).

62. Even if the emails were “records” under GRAMA (they are not), most if not all of them would be “private records” as defined by Utah Code § 63G-2-302 because, among other

things, their disclosure would constitute a clearly unwarranted invasion of the personal privacy of students, employees, and others.

63. Even if the emails were “records” subject to GRAMA (they are not), many of the emails sought would constitute “protected records” under Utah Code § 63G-2-305, because, among other things, they include communications protected by the attorney-client privilege.

PRAYER FOR RELIEF

Wherefore, BYU respectfully requests that the Court order, adjudge, and decree that:

1. FERPA-protected records are not subject to disclosure under GRAMA, and the disclosure of such records is governed by FERPA.
2. The emails requested by the Tribune are not “records” subject to GRAMA, and the Tribune is therefore not entitled to receive them; and
3. Even if the emails requested by the Tribune were “records” under GRAMA, they are not “public records” subject to disclosure under GRAMA.

DATED this 23rd day of October, 2019.

RAY QUINNEY & NEBEKER P.C.

/s/Samuel C. Straight _____

James S. Jardine
Samuel C. Straight

Steven M. Sandberg
David M. Andersen
Stephen M. Craig
BYU Office of the General Counsel

Attorneys for Plaintiff Brigham Young University

Address of University Police:
2120 Jesse Knight Building
Provo, UT 84602

Exhibit 1

BEFORE THE STATE RECORDS COMMITTEE OF THE

STATE OF UTAH

JESSICA MILLER on behalf of the
SALT LAKE TRIBUNE,

Petitioner,

v.

BRIGHAM YOUNG UNIVERSITY
POLICE DEPARTMENT,

Respondent.

DECISION AND ORDER

Case No. 19-34

DOCKET
CONTROL

By this appeal, Petitioner, Jessica Miller, a reporter for the Salt Lake Tribune, seeks access to records allegedly held by Respondent, Brigham Young University Police Department (“BYU PD”).

FACTS

On or about May 14, 2019, Ms. Miller made a request for records pursuant to the Government Records Access and Management Act (“GRAMA”). Ms. Miller requested records related to emails between BYU PD and a list of eight specific persons. Her initial request was denied and on or about June 7, 2019, Ms. Miller filed an appeal. On June 14, 2019, Chief Chris Autry of the BYU PD upheld the denial of Ms. Miller’s records request pursuant to Utah Code § 63G-2-201(3) and (6).

On or about June 25, 2019, Petitioner filed an appeal with the State Records Committee (“Committee”). The parties appeared before the Committee for a hearing on September 12, 2019.

At the hearing, the Committee determined that the matter would need to be continued to allow an *in camera* review of the records with a log of classification by BYU PD for each of the denied records requested. See, Utah Admin. Code R. 35-1-2(5).

ORDER

THEREFORE, IT IS ORDERED THAT the appeal of Petitioner, Jessica Miller on behalf of the Salt Lake Tribune, is CONTINUED until the next scheduled Committee hearing. BYU PD is ORDERED to provide records responsive to Petitioner's records request to the Committee in order to allow the Committee sufficient time to review the records *in camera* prior to the next hearing to determine whether the records are subject to GRAMA and if so, whether the records have been properly classified by BYU PD pursuant to GRAMA.

RIGHT TO APPEAL

A party to a proceeding before the Committee may seek judicial review in District Court of a Committee's Order by filing a petition for review of the Committee Order as provided in Utah Code § 63G-2-404. Utah Code § 63G-2-403(14). A petition for judicial review of a Committee Order "shall be filed no later than 30 days" after the date of the Committee Order. Utah Code § 63G-2-404(1)(a). The petition for judicial review must be a complaint which is governed by the Utah Rules of Civil Procedure and include the Committee as a necessary party and contain the required information listed in Subsection -404(2). Utah Code § 63G-2-404(1) & (2). The court shall make its decision *de novo* but shall allow introduction of evidence presented to the Committee, determine all questions of fact and law without a jury, and decide the issue at the earliest practical opportunity. Utah Code § 63G-2-404(6). In order to protect a parties' rights on

appeal, a party may wish to seek advice from an attorney.

Entered this 23rd day of September 2019.

BY THE STATE RECORDS COMMITTEE



TOM HARALDSEN, Chair
State Records Committee

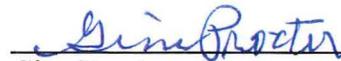
CERTIFICATE OF SERVICE

I hereby certify that I mailed a true and correct copy of the foregoing Decision and Order,

U.S. mail postage prepaid, this 23rd day of September 2019, to the following:

JESSICA MILLER
On behalf of the Salt Lake Tribune
90 South 400 West, Ste. 700
Salt Lake City, UT 84101
Petitioner

SAM STRAIGHT
RAY QUINNEY & NEBEKER
PO Box 45385
Salt Lake City, UT 84145
*Counsel for Respondent,
BYU Police Department*



Gina Proctor
Executive Secretary

Exhibit 2

The Salt Lake Tribune

Utah's Independent Voice Since 1871

May 14, 2019

Brigham Young University Police Department
Records Division

To Whom it May Concern:

This is a request under the Government Records Access and Management Act for records that I believe are public. I formally request:

- All emails between BYU police and the following email addresses sent or received from 2011-2017:
 - hco@byu.edu
 - sarah_westerberg@byu.edu
 - melba_latu@byu.edu
 - vernon_heperi@byu.edu
 - spencer_hawkins@byu.edu
 - linda_rowley@byu.edu
 - jennifer_langi@byu.edu
 - john_kwarm@byu.edu
- All email correspondence between BYUPD employee Aaron Rhoades and anyone employed at the Honor Code Office between 2011-2018.

GRAMA defines a record as any documentary material that is prepared, owned, received, or retained by a governmental entity or political subdivision. See Utah Code 63G-2-103(22)(a). I believe the records specified above are currently being retained by BYUPD, an entity subject to GRAMA.

I acknowledge a previous request covering some of these records was sent to this department by Salt Lake Tribune reporter Matthew Piper on April 18, 2016. The Salt Lake Tribune contends BYU was subject to GRAMA at that time. However, as of May 14, 2019, Brigham Young University Police Department is explicitly classified as a law enforcement agency as defined in GRAMA, making it subject to compliance with records management requirements as defined therein [Utah Code 63G-2-103(11)(b)(vi)].

This request should not be interpreted as an abandonment of the previous request by Piper and The Tribune or a waiver of any of the rights associated with that request, including the right to continue to pursue previously requested records through litigation.

As a journalist working to benefit the public, I request you please waive all fees pursuant to GRAMA. Should you decide a waiver of fees is not appropriate, please call in advance so we can discuss charges.

Thank you for your time in this matter. If I can provide any further information that might simplify or expedite the processing of this request, please do not hesitate to contact me.

Sincerely,

Jessica Miller
The Salt Lake Tribune
(801) 257-8785
jmillersltrib.com

Exhibit 3



UNIVERSITY POLICE
BRIGHAM YOUNG UNIVERSITY
2120 JKB
PROVO, UTAH 84602-6201
(801) 422-2222 / FAX: (801) 378-0935

June 14, 2019

Jessica Miller
The Salt Lake Tribune
90 South 400 West
Suite 700
Salt Lake City, Utah 84101

Jessica:

I am writing to notify you of my denial of the appeal you submitted to the University Police Department at Brigham Young University on June 7, 2019.

I have read and carefully considered your appeal. Also, Lt. Steven Messick and I have discussed the original request you submitted on May 14, 2019 as well as your appeal. I believe the documents you requested were properly classified as private as explained in the original response from Lt. Messick.

You have the right to appeal my decision to the state records committee or district court as provided in Utah Code 63G-2-402

You have 30 days to make your appeal.

You may send your appeal to:
SRC Executive Secretary
346 S. Rio Grande
Salt Lake City, UT 84101-1106

Respectfully,

A handwritten signature in blue ink that reads "Chris Autry".

Chief Chris Autry
University Police Department
Brigham Young University

The Salt Lake Tribune

Utah's Independent Voice Since 1871

June 7, 2019

Chief Chris Autry
BYU Police Department
2120 JKB
Brigham Young University
Provo, UT 84602

Chief Autry:

I am writing to appeal the denial of a records request submitted to Brigham Young University's Police Department on May 14, 2019. The request was as follows:

- All emails between BYU police and the following email addresses sent or received from 2011-2017:
 - hco@byu.edu
 - sarah_westerberg@byu.edu
 - melba_latu@byu.edu
 - vernon_heperi@byu.edu
 - spencer_hawkins@byu.edu
 - linda_rowley@byu.edu
 - jennifer_langi@byu.edu
 - john_kwarm@byu.edu

- All email correspondence between BYUPD employee Aaron Rhoades and anyone employed at the Honor Code Office between 2011-2018.

I received notice of a denial of my request on May 29. BYUPD officials cited several statutory exemptions to the Government Records Access and Management Act that would make the records classified or restricted. I will address those arguments in detail below.

ARGUMENT

I. The requested documents are public because Brigham Young University Police Department has received or retained the emails in question, per Utah Code 63G-2-103(22)(a).

The department argues that because the emails requested were not created by employees of a “governmental entity,” this makes the documents private. That is not a correct interpretation of the law. GRAMA clearly states that any record that has been *received* or *retained* by a governmental entity is considered a public record.

Documents that were not created by government employees are frequently classified as public documents and are released, including emails and other correspondence like notices of claim. GRAMA does not limit itself in its definition to include only records created by government employees.

II. Brigham Young University police does not show how releasing the requested records would be an unwarranted invasion of personal privacy per Utah Code 63G-2-302(2)(d).

GRAMA puts the burden on government agencies to prove a record is not public: Utah Code Ann. 63G-2-103(21). But the department offers no explanation for how releasing these records could lead to an unwarranted invasion of personal privacy.

It is difficult to make an argument to this point, because BYUPD makes no claim as to whose privacy would be violated and why that would be considered “unwarranted.” But generally, the proper remedy for personal privacy concerns should be limited redactions, not a blanket denial.

Police officers in Utah wield significant power over citizens, and because of that, the public has a heightened interest to know how police use that power. The inherent public interest in these documents outweighs privacy concerns.

III. This request is not unreasonably duplicative.

I acknowledge a previous request covering some of these records was sent to this department by Salt Lake Tribune reporter Matthew Piper on April 18, 2016. The Salt Lake Tribune contends BYU was subject to GRAMA at that time. However, as of May 14, 2019, Brigham Young University Police Department is explicitly classified as a law enforcement agency as defined in GRAMA, making it subject to compliance with records management requirements as defined therein [Utah Code 63G-2-103(11)(b)(vi)].

This request asks for more records than was initially requested by Piper in 2016. The clarification made during the last legislative session also constitutes a change in

circumstances that would make it reasonable for another records request to be made, even if it is similar.

In conclusion, I would ask that you find that these documents are public and order that they be released.

Thank you for considering my appeal.

Sincerely,

Jessica Miller
Reporter
The Salt Lake Tribune
(801) 257-8785
jmillersltrib.com

UNIVERSITY POLICE

GRAMA Request Notice of Denial

Requestor's information

Jessica Miller
The Salt Lake Tribune
(801) 257-8785
jmiller@sltrib.com

Respondent's information

Lt. Steven Messick
Brigham Young University Police
2120 JKB, Provo, Utah 84602
steven_messick@byu.edu

Record access considerations

Access to records or portions of records you requested is denied. These records have been classified with restricted access pursuant to GRAMA (Utah Code § 63G-2-201(3)) or court rule, another state statute, federal statute, or federal regulation (Utah Code § 63G-2-201(6)). Please see the attached sheet for a description of the record(s) denied and the reason for the denial.

Notice of appeal

You have the right to appeal this denial to the chief administrative officer. Please direct your appeal to:

Chief Chris Autry
University Police
2120 JKB
Brigham Young University
Provo, Utah 84602
chris_autry@byu.edu

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.

UNIVERSITY POLICE

GRAMA Request Notice of Denial

Description of record	Complete citation of classification or court rule/order, state statute, federal statute, or federal regulation; and statement of reason
<ul style="list-style-type: none">● All emails between BYU police and the following email addresses sent or received from 2011-2017:<ul style="list-style-type: none">○ hco@byu.edu○ sarah_westerberg@byu.edu○ melba_latu@byu.edu○ vernon_heperi@byu.edu○ spencer_hawkins@byu.edu○ linda_rowley@byu.edu○ jennifer_langi@byu.edu○ john_kwarm@byu.edu● All email correspondence between BYUPD employee Aaron Rhoades and anyone employed at the Honor Code Office between 2011-2018.	<p>University Police denies your request because the emails you seek were not created by employees of a “governmental entity” under 63G-2-103(11) and are not otherwise “records” under 63G-2-103(22). Or, if they are “records,” then they are private records under 63G-2-302(2)(d). Also, under 63G-2-201(8)(d), the request you have submitted seeks the same, or substantially the same, records requests which are the subject of litigation. University Police’s prior denial of the records request is still pending in the courts for the State of Utah. In fact, pursuant to a stipulation between BYU and The Salt Lake Tribune, the Third District Court bifurcated the determination of whether the emails at issue constitute “records” for subsequent determination. To be clear, University Police is not presently asserting that it is not a “governmental entity,” as that term is defined in Utah Code 63G-2-103(11). University Police acknowledges that it became a governmental entity subject to the Government Records Access Management Act (GRAMA) on May 14, 2019, the effective date of Utah Senate Bill 197. However, applying the terms of GRAMA, the emails are not “records;” and if they are “records,” University Police designates the records as private for the reasons stated above.</p> <p>You may appeal this denial to the chief administrative officer of University Police, Chief Chris Autry, within 30 days of the sending of this denial.</p>

Exhibit 4

The Salt Lake Tribune

Utah's Independent Voice Since 1871

June 25, 2019

Gina Proctor
Utah State Records Committee Executive Secretary
346 Rio Grande
Salt Lake City, UT 84101

To Whom it May Concern:

I am writing to appeal the denial of a records request submitted to Brigham Young University's Police Department on May 14, 2019. The request was as follows:

- All emails between BYU police and the following email addresses sent or received from 2011-2017:
 - hco@byu.edu
 - sarah_westerberg@byu.edu
 - melba_latu@byu.edu
 - vernon_heperi@byu.edu
 - spencer_hawkins@byu.edu
 - linda_rowley@byu.edu
 - jennifer_langi@byu.edu
 - john_kwarm@byu.edu

- All email correspondence between BYUPD employee Aaron Rhoades and anyone employed at the Honor Code Office between 2011-2018.

I received notice of a denial of my request on May 29, and a subsequent upholding of that denial on June 14 from Chief Chris Autry. In the appeal denial, Chief Autry does not outline any new arguments for why the records should not be released, so my argument below is identical to that which I initially made to the chief.

ARGUMENT

I. The requested documents are public because Brigham Young University Police Department has received or retained the emails in question, per Utah Code 63G-2-103(22)(a).

The department argues that because the emails requested were not created by employees of a “governmental entity,” this makes the documents private. That is not a correct interpretation of the law. GRAMA clearly states that any record that has been *received* or *retained* by a governmental entity is considered a public record.

Documents that were not created by government employees are frequently classified as public documents and are released, including emails and other correspondence like notices of claim. GRAMA does not limit itself in its definition to include only records created by government employees.

II. Brigham Young University police does not show how releasing the requested records would be an unwarranted invasion of personal privacy per Utah Code 63G-2-302(2)(d).

GRAMA puts the burden on government agencies to prove a record is not public: Utah Code Ann. 63G-2-103(21). But the department offers no explanation for how releasing these records could lead to an unwarranted invasion of personal privacy.

It is difficult to make an argument to this point, because BYUPD makes no claim as to whose privacy would be violated and why that would be considered “unwarranted.” But generally, the proper remedy for personal privacy concerns should be limited redactions, not a blanket denial.

Police officers in Utah wield significant power over citizens, and because of that, the public has a heightened interest to know how police use that power. The inherent public interest in these documents outweighs privacy concerns.

III. This request is not unreasonably duplicative.

I acknowledge a previous request covering some of these records was sent to this department by Salt Lake Tribune reporter Matthew Piper on April 18, 2016. The Salt Lake Tribune contends BYU was subject to GRAMA at that time. However, as of May 14, 2019, Brigham Young University Police Department is explicitly classified as a law enforcement agency as defined in GRAMA, making it subject to compliance with records management requirements as defined therein [Utah Code 63G-2-103(11)(b)(vi)].

This request asks for more records than was initially requested by Piper in 2016. The clarification made during the last legislative session also constitutes a change in

circumstances that would make it reasonable for another records request to be made, even if it is similar.

In conclusion, I would ask that you find that these documents are public and order that they be released.

Thank you for considering my appeal.

Sincerely,

Jessica Miller
Reporter
The Salt Lake Tribune
(801) 257-8785
jmillersltrib.com

Exhibit 5

September 5, 2019

Via Email and U.S. Mail

Gina Proctor
 Executive Secretary
 State Records Committee
 346 S. Rio Grande
 Salt Lake City, UT 84101
gproctor@utah.gov

Re: *Appeal Req. #2019-65 – Brigham Young University Police
 Statement of Facts, Reasons, and Legal Authority*

Dear Ms. Proctor:

Pursuant to Utah Code § 63G-2-403 and the June 25, 2019, Respondent Hearing Notice, we are writing on behalf of the Brigham Young University Police (“University Police”) to set forth the facts, reasons, and legal authority in support of University Police’s denial of the request made pursuant to the Government Records Access and Management Act (“GRAMA”) by Jessica Miller of The Salt Lake Tribune (the “Tribune GRAMA Request”). The Tribune GRAMA Request sought access to: (1) all emails between University Police and seven email addresses of individuals in other departments of BYU from 2011–2017; and (2) all emails between former University Police Officer Aaron Rhoades and “anyone employed at the [Brigham Young University] Honor Code Office” between 2011–2018. The dates of those emails all precede May 14, 2019, the date that the Utah Legislature determined that GRAMA should begin to apply, prospectively, to University Police.¹

University Police properly denied the Tribune GRAMA Request because the emails sought were not created by employees of a “governmental entity” under Utah Code § 63G-2-103(11) and are not otherwise “records” under Utah Code § 63G-2-103(22), as they were emails between different departments of the private Brigham Young University, and none of those departments, including University Police, was a governmental entity subject to GRAMA at that time. Even if the emails were “records” under GRAMA, they are private records as defined by Utah Code § 63G-2-302(2)(d), as they contain data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy. Further, to the extent that any of the emails are “education records” under the Family Education

¹ See Utah Senate Bill 197, codified in relevant part at Utah Code §§ 53-1-102(1)(c)(i)(C) and 63G-2-103(11)(vi).

ATTORNEYS AT LAW
 Clark P. Giles
 Herbert C. Livsey
 D. Jay Curtis
 James S. Jardine
 Larry G. Moore
 Bruce L. Olson
 John A. Adams
 Douglas M. Monson
 Craig Carlile
 Jeffrey W. Appel
 David J. Castleton
 Ellen J. D. Toscano
 Kevin G. Glade
 Lester K. Essig
 Stephen C. Tingey
 John R. Madsen
 Scott A. Hagen
 Rick L. Rose
 Brent D. Wride
 Steven W. Call
 Mark A. Cotter
 Gregory J. Savage
 Kelly J. Applegate
 Justin T. Toth
 Liesel B. Stevens
 Robert O. Rice
 Arthur B. Berger
 Rick Thaler
 John W. Mackay
 McKay M. Pearson
 Mark W. Pugsley
 Matthew N. Evans
 Gary L. Longmore
 John P. Wunderli
 Michael R. Johnson
 E. Blaine Rawson
 Samuel C. Straight
 Paul C. Burke
 Elaina M. Maragakis
 D. Zachary Wiseman
 Michael D. Mayfield
 Brett L. Tolman
 Bryan K. Bassett
 Kamie F. Brown
 Gregg D. Stephenson
 Kristine M. Larsen
 Gregory S. Roberts
 Christopher N. Nelson
 Angela E. Atkin
 Thomas M. Hardman
 Samuel A. Lambert
 David H. Leigh
 Gavin M. Reese
 Richard H. Madsen, II
 S. Brandon Owen
 Brett R. Parkinson
 Charles H. Livsey
 David B. Dibble
 Maria E. Windham
 Blake R. Bauman
 Michael K. Erickson
 Eric G. Benson
 R. Troy Mollerup
 Paul N. Taylor
 Matthew M. Cannon
 James A. Sorenson
 Allison G. Behjani
 Robert P. Harrington
 Greg M. Newman
 Adam K. Richards
 Blake R. Voorhees
 Marie B. Durrant
 Beth J. Ranschau
 Jeffrey S. Rasmussen
 James Bullough
 Calvin R. Winder
 Katherine E. Priest
 Jascha K. Clark
 John O. Carpenter
 Katherine B. Benson
 Whitney Hulet Krogue
 Blake M. Biddulph
 Erin M. Adams
 Brit Merrill
 Raj Dhaliwal
 Justin M. Kuettel
 Yangzi Jin
 Thomas Lingard
 Aaron C. Hinton

OF COUNSEL
 Narrvel E. Hall
 M. John Ashton
 Gerald T. Snow
 Jonathan A. Dibble
 Rick B. Hoggard
 Elaine A. Monson
 Katie A. Eccles
 Jordan Christianson
 Anjali J. Patel



SALT LAKE CITY OFFICE
 PO Box 45385
 Salt Lake City, Utah
 84145-0385

36 South State Street
 Suite 1400
 Salt Lake City, Utah
 84111

801 532-1500 TEL
 801 532-7543 FAX
 www.rqn.com

PROVO OFFICE
 86 North University Ave
 Suite 430
 Provo, Utah
 84601-4420

801 342-2400 TEL
 801 375-8379 FAX

Rights and Privacy Act (“FERPA”), their disclosure is governed exclusively by FERPA, not by GRAMA. University Police respectfully requests that the Committee deny the current appeal.

University Police also properly denied the Tribune GRAMA Request under Utah Code § 63G-2-201(8)(d) because it seeks the same, or substantially the same, records that are the subject of litigation between the Tribune and University Police currently on appeal to the Utah Supreme Court. Specifically, in April 2016, the Tribune sent a GRAMA request to University Police seeking police reports, prior public records requests, as well as five years of internal emails between University Police officers and other BYU employees. At that time, University Police also was not a governmental entity subject to GRAMA. Nevertheless and consistent with University Police’s internal policy, University Police provided numerous police reports and prior public records requests. However, University Police did not disclose the requested private internal emails, a substantial portion of which are the same emails at issue in this proceeding, because, pursuant to University Police policy, they are private.

The Committee agreed that University Police was not a governmental entity subject to GRAMA and denied the Tribune’s appeal. (A copy of the Committee’s decision is attached as Exhibit 1.) The Tribune then petitioned the Third District Court for review, and that case is now on appeal to the Utah Supreme Court. The Tribune’s own reporting of the Tribune GRAMA Request said that the “Tribune **reiterated its request** for correspondence between the police department and the Honor Code Office, first made by a reporter in 2016.”² There is, therefore, significant overlap between the Utah Supreme Court case and this proceeding, and the Utah Supreme Court’s decision will provide guidance and direction to the Committee and the parties specifically on the issue raised in this appeal. University Police’s reply brief to the Utah Supreme Court is due on September 20, 2019, and the Utah Supreme Court will hold oral argument on the case on October 4, 2019. University Police respectfully requests that the Committee deny the appeal in light of this substantially overlapping litigation, postpone the hearing, or at minimum, postpone any decision in this proceeding until after the Utah Supreme Court issues its ruling. The Committee should not require University Police to address the same issues that have already come before the Committee and that remain before the Utah Supreme Court.

The Tribune argues in its statement to the Committee that the “requested documents are public because [University Police] has received or retained the emails in question, per Utah Code § 63G-2-103(22)(a).” This argument is

² Erin Alberty, *With BYU police explicitly covered by open-records laws, Salt Lake Tribune seeks documents about Honor Code investigations* (available at <https://www.sltrib.com/news/2019/05/15/with-byu-police/>) (emphasis added).

factually and legally incorrect and cannot support disclosure of the documents. At the time the emails were sent and received, University Police was not a governmental entity subject to GRAMA, according to the Committee's own decision. Moreover, no one argues that BYU itself, or any of its other departments, was ever a governmental entity subject to GRAMA.

The fact that GRAMA now applies to University Police as of May 14, 2019, does not make GRAMA retroactive to the emails in this case. The emails are not "records" that were prepared, received, or retained by University Police after University Police became subject to GRAMA, especially because the emails were never governmental "records" to begin with. Past internal emails between departments of a private university are not subject to GRAMA and did not become subject to GRAMA simply because one of those departments later became subject to GRAMA prospectively only.

The Utah Code makes clear that GRAMA's applicability to University Police is prospective only. Utah Code § 68-3-3 states that "[a] provision of the Utah Code is not retroactive, unless the provision is expressly declared to be retroactive." Senate Bill 197 did **not** expressly declare that GRAMA would be retroactively applicable to University Police, or any other entity or division of a private institution of higher education (if the entity or division has been certified by the commissioner) that exists primarily to prevent and detect crime and enforce criminal laws, statutes, and ordinances. *See* Utah Code §§ 53-1-102(1)(c)(i)(C) and 63G-2-103(11)(b)(vi).

The legislative history of Senate Bill 197 also makes clear that the amendment to GRAMA does not apply retroactively, as is evident from express statements from the bill's sponsor, Senator Bramble, in response to questions from a fellow senator³:

Senator Hilliard: ". . . Does this act retroactively?"

Senator Bramble: "No."

Senator Hilliard: "So the requests will be from today on . . ."

Senator Bramble: "Yes."

Senator Hilliard: ". . . and nothing in the past."

Senator Bramble: "I . . . because of the open litigation, that will be resolved however the courts resolve it or the parties resolve it. . . . This is prospective going forward, and BYU supports that."

Senator Hilliard: "OK, and just to be clear, it wouldn't be from today. It would be from the . . ."

³ Hearing of the Utah Senate Judiciary, Law Enforcement and Criminal Justice Committee (Feb. 26, 2019), available at <https://le.utah.gov/av/committeeArchive.jsp?timelineID=136060> (beginning at 7:10).

Senator Bramble: “effective date
Senator Hilliard: “effective date of the bill, so . . .”
Senator Bramble: “yes”
Senator Hilliard: “. . . probably May. Okay.”

It would be inequitable and contrary to law to apply GRAMA retroactively to emails that were sent and received prior to the date when University Police became subject to GRAMA. *See State v. Beaver Dam Area Dev. Corp.*, 2008 WI 90, ¶ 98, 752 N.W.2d 295, 315 (Wisc. 2008) (concluding that retroactive application of an amended interpretation of public records laws and open meetings to an entity previously not subject to such laws would “produce substantial inequitable results”). BYU is not aware of any court decision in any United States jurisdiction that has applied retroactively a records disclosure law to an entity that, prior to being designated by a state legislature as a governmental entity, existed and functioned as a private entity. The Tribune cites no authority to support its extraordinary position that the term “retained” in GRAMA supersedes the prospective applicability of Senate Bill 197 and converts emails that were created and received during 2011–2018 by internal divisions of a private university into public records subject to GRAMA. The Committee should deny this appeal. In addition, because the Tribune has raised this issue with the Utah Supreme Court, the Committee should at minimum defer consideration of this issue until the Utah Supreme Court issues a ruling.

The Tribune also argues in its statement that University Police “does not show how releasing the requested records would be an unwarranted invasion of personal privacy.” The Committee would only reach this issue if it decides—contrary to its prior decision and without waiting for the Utah Supreme Court’s decision—that these private internal emails between different departments of a private university are subject to GRAMA in the first place. The Committee should not do so. Nevertheless, many emails contain highly sensitive personally identifying information and confidential information about students, including about their physical health and safety (e.g., medical incidents, campus bans, threat assessments); mental health (e.g., suicide ideation, incidents of self-harm); and other sensitive and private issues (e.g., mandatory reporting of Title IX cases) that would clearly constitute an unwarranted invasion of personal privacy and that are separate from the law enforcement functions of University Police. Accordingly, the Committee should deny the appeal on that basis.

FERPA establishes the proper approach for disclosure of any records that are “education records” under that statute. FERPA prohibits disclosure of education records, which are those records that are maintained by an educational institution and that are directly related to students. 34 C.F.R. § 99.3. Not only does FERPA preempt state law concerning disclosure of records, but GRAMA specifically recognizes that FERPA governs “disclosure of an education record . . .

that is controlled or maintained by a governmental entity.” Utah Code § 63G-2-107(2). In other words, even for education records that have been created or received or that are maintained by a governmental entity, GRAMA itself says that the disclosure of any of those records is governed by FERPA. Any decision by the Committee requiring disclosure of education records would be improper and in violation of both FERPA and GRAMA.

Lastly, the Tribune stipulated that this issue of the classification of records in the case pending before the Utah Supreme Court was bifurcated so the courts could first determine whether University Police was subject to GRAMA at all. That initial determination has not yet been made but is the very issue pending before the Utah Supreme Court. It is improper for the Tribune to try to circumvent that voluntary bifurcation stipulation it made in the related litigation by requesting this hearing before the Committee, and it is entirely premature for the Committee to review the emails at issue in this proceeding without first receiving direction from the Utah Supreme Court about whether these emails are subject to GRAMA in the first place, all of which is still pending.

Based on all of the foregoing facts, reasons, and legal authority, University Police respectfully requests that the Committee deny this appeal. Alternatively, University Police respectfully requests that the Committee postpone its hearing and defer any ruling on this appeal until the Utah Supreme Court issues a ruling in the related litigation. University Police suggested that the parties stipulate to such a deferment, but the Tribune declined to do so. It is unclear whether the Tribune intends to publish yet another news story about the hearing related to these issues, as it has done in the past.⁴ If the Committee does not postpone the hearing, University Police will appear at the hearing and be prepared to testify, present evidence, and comment on the issues pursuant to Utah Code § 63G-2-403(8). University Police also objects to Holly Richardson participating in these proceedings given that she regularly writes columns for the Tribune.

Very truly yours,
RAY QUINNEY & NEBEKER P.C.

/s/ Sam Straight

James S. Jardine
Samuel C. Straight

⁴ See, e.g., Benjamin Wood, *Bill making BYU police force subject to state open-records law sails through committee with the university’s support*, SALT LAKE TRIB., <https://www.sltrib.com/news/politics/2019/02/27/bill-making-byu-police/>; Jessica Miller, *The Legislature speaks: BYU police should no longer be able to keep its records secret*, SALT LAKE TRIB., <https://www.sltrib.com/news/2019/03/12/legislature-has-spoken/>; Erin Alberty, *With BYU police explicitly covered by open-records laws, Salt Lake Tribune seeks documents about Honor Code investigations*, SALT LAKE TRIB., <https://www.sltrib.com/news/2019/05/15/with-byu-police/>.

Gina Proctor
State Records Committee
September 5, 2019
Page 6

cc: *BYU Office of General Counsel*
Steven M. Sandberg
Stephen M. Craig
David M. Andersen

Counsel for The Salt Lake Tribune
Michael Patrick O'Brien

1503135

EXHIBIT 1



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of Administrative Services

KIMBERLY K. HOOD
Executive Director

Division of Archives and Records Service

PATRICIA SMITH-MANSFIELD
Director

Appeal Req. #2016-55

June 14, 2016

Matthew Piper
Salt Lake Tribune
90 South 400 West, Suite 700
Salt Lake City, Utah 84101

Dear Mr. Piper:

Subject: Notice of Appeal Outside State Records Committee's Jurisdiction.

This correspondence is in response to your June 13, 2016, Notice of Appeal received on June 13, 2016. It was read and reviewed, but unfortunately, the State Records Committee does not have jurisdiction to hear this appeal. Brigham Young University Police Department is a private institution, not a political subdivision, and does not fall under the definition of a governmental entity pursuant to Utah Code 63G-2-103(11)(a)(v) and (b)(i).

-(v) any political subdivision of the state, but, if a political subdivision has adopted an ordinance or a policy relating to information practices pursuant to Section 63G-2-701, this chapter shall apply to the political subdivision to the extent specified in Section 63G-2-701 or as specified in any other section of this chapter that specifically refers to political subdivisions.

-(i) every office, agency, board, bureau, committee, department, advisory board, or commission of an entity listed in Subsection (11)(a) that is funded or established by the government to carry out the public's business; and

If you disagree with this decision, you may appeal to District Court within 30 days of this denial letter. Please see Utah Code 63G-2-404(1).

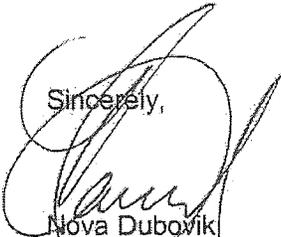
Matthew Piper
June 14, 2016
Page 2

If you have any questions about the GRAMA statute please do not hesitate to contact us. I recommend contacting the government records ombudsman, Rosemary Cundiff.

Rosemary Cundiff
346 S. Rio Grande
Salt Lake City, Utah 84101
801-531-3858
rcundiff@utah.gov

Enclosed are copies of your original documents and the relevant GRAMA sections.

Sincerely,



Nova Dubovik
Executive Secretary
State Records Committee
346 S. Rio Grande
Salt Lake City, UT 84101-1106
801-531-3834
ndubovik@utah.gov