



Michael E. Christensen  
Director

John L. Fellows  
General Counsel

February 3, 2015

Ms. Lisa Bierly  
5674 Hillwood Way, # 11  
Taylorsville, Utah 84129

Dear Ms. Bierly,

I am writing to respond to your request under Title 63G, Chapter 2, Government Records Access and Management Act, and the Utah Legislature Policies and Procedures for Handling Records Requests ("Policies"), that Michael Christensen received on January 20, 2015. Mr. Christensen referred your request to me because I am the records officer for the Office of Legislative Research and General Counsel.

In your request, you requested "a copy of any correspondence, memoranda, meeting minutes, briefings, complaints (including any complaint filed with the judicial conduct commission), filings, pictures, supporting documentation, and notes, to include all communications using state or private email accounts, text messages, Twitter, Facebook, U.S. mail, teleconferences, in-person meetings, and any other form of communication, regarding alleged misconduct involving inappropriate relationships between state officials in the Utah Attorney General's Office. . . ."

Preliminarily, I note that this office does not receive or maintain complaints filed with the Judicial Conduct Commission. You should direct any request for that kind of record to the Judicial Conduct Commission. Additionally, your request generally seeks records relating to alleged misconduct involving the Attorney General's office. Similarly, this office does not routinely maintain records relating to actions within the Attorney General's office. Any request for that kind of record is more appropriately directed to the Attorney General's office.

While it is not clear whether the scope of your request includes records relating to the House Special Investigative Committee's investigation of former Attorney General John Swallow, to the extent that your request does seek those records your request is denied. Those records are protected records under Subsection 63G-2-305(10) and are not subject to disclosure.

With respect to other records that are responsive to your request, your request is denied. The records are not public records under Utah Code Section 63G-2-201(3)(b) or are protected records under Utah Code Section 63G-3-305(18), (21), and (32).

Utah State Capitol Complex  
House Building, Suite W210  
PO Box 145210  
Salt Lake City, Utah  
84114-5210  
Phone (801) 538-1032  
Fax (801) 538-1712  
[www.le.utah.gov](http://www.le.utah.gov)

Finally, in your records request you ask for a waiver of the fees normally charged for fulfilling a record request. A request to have a record request fulfilled without charge ("fee waiver request") under Section 2.2 of the Policies is a matter that is separate and distinct from a record request and cannot be considered unless it is made separately. Because your fee waiver request was included as part of your record request, I am unable to acknowledge your fee waiver request, and can neither grant nor deny your request. If you want a fee waiver request to be considered, you must submit it separately from your record request. For your information, a separate form for making a fee waiver request may be found at <http://le.utah.gov/documents/GRAMARquestNoChargeForm.pdf>. In any event, your fee waiver request is moot because there is no fee for this response to your record request.

As provided in Section 3.1(1) of the Policies, a person aggrieved by a legislative office's access determination may appeal the determination within 30 calendar days from the day on which the access determination is issued. To appeal, you must file a notice of appeal with Michael E. Christensen, Director of the Office of Legislative Research and General Counsel, Utah State Capitol Complex, W210 House Building, Salt Lake City, Utah 84114.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bryant R. Howe".

Bryant R. Howe  
Records Officer