

Sheri McKendrick <sheri.mckendrick@wvc-ut.gov>

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## GRAMA appeal from Salt Lake Tribune

1 message

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**Nate Carlisle** <ncarlisle@sltrib.com>

Sat, Dec 6, 2014 at 11:31 PM

To: Sheri McKendrick <Sheri.McKendrick@wvc-ut.gov>

Dear Ms. McKendrick:

In accordance with the Utah Government Records Access and Management Act and West Valley City ordinance 3-16-502, I am hereby appealing to the West Valley City Council a denial of a GRAMA request. Please execute the procedures articulated in the ordinance.

I ask the West Valley City Council please order city personnel to disclose to me records responsive to my October 18, 2014, request and which have thus far been denied to me.

I have attached the initial denial, dated October 21, and a denial of an appeal from Mr. Wayne Pyle, dated November 10. For a statement of facts and legal reasoning in support of my appeal, I hereby restate the facts and arguments in my appeal to Mr. Pyle. However, I reserve the right to make further verbal or written arguments in accordance with West Valley City ordinances and GRAMA.

Thank you.

Sincerely,

Nate Carlisle  
Salt Lake Tribune  
90 S. 400 West, Suite 700  
Salt Lake City, UT 84101  
Phone: 801-257-8794  
Fax: 801-257-8525  
ncarlisle@sltrib.com  
Twitter: <https://twitter.com/natecarlisle>

On Nov 12, 2014, at 3:44 PM, Sheri McKendrick <Sheri.McKendrick@wvc-ut.gov> wrote:

Mr. Carlisle -

Attached is a letter from Wayne Pyle, City Manager, in response to your appeal of GRAMA denial for IA files dated November 3, 2014.

Thanks -  
Sheri

--  
Sheri McKendrick  
City Recorder  
3600 S. Constitution Blvd.

12/8/2014

West Valley City, UT 84119  
801-963-3203 (office)  
801-232-0203 (cell)



<City Manager Response to Appeal of GRAMA Denial - Nate Carlisle 11-10-14.pdf><City  
Manager Response to Appeal of GRAMA Denial - Nate Carlisle 11-10-14.pdf>

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**2 attachments**

-  **WVC Response to Carlisle GRAMA request.pdf**  
152K
-  **City Manager Response to Appeal of GRAMA Denial - Nate Carlisle 11-10-14.pdf**  
59K



November 10, 2014

Mr. Nate Carlisle  
Salt Lake Tribune  
[ncarlisle@sltrib.com](mailto:ncarlisle@sltrib.com)

RE: Your Appeal of GRAMA denial for IA files dated November 3, 2014

Dear Mr. Carlisle:

I have received and reviewed your correspondence dated November 3, 2013, concerning the appeal of the Police Department's denial of your request for the Internal Affairs file and related documents and recordings regarding Kevin Salmon's involvement in the November 2, 2012 shooting of Danielle Willard.

I have reviewed your appeal letter and the ruling by Judge Dever that you attached. I am not persuaded by your argument that Judge Dever's ruling addresses the same provisions that Ms. Stonebrook cited in the Police Department's denial of your request for the IA file. You indicate that in the Lawrence case, UHP "refused to provide the records and cited 63G-302(2)(d) and 63G-2-305(10)(a)" and that "Judge Dever rejected the UHP arguments. . . ." While you are correct that UHP denied Mr. Lawrence's request for disciplinary records pursuant to UCA 63G-2-302(2)(d), UHP did not premise its denial of the records on either UCA 63G-2-305(10)(a) or (b). Rather, they denied the request citing the attorney work product provision UCA 63G-2-305(17). Neither the State Records Committee Appeal Decision 2012-22 nor Judge Dever's ruling addressed UCA 63G-2-305(10)(a) or (b). Those provisions of the GRAMA statute support the City's classification of the IA file and related documents at issue as protected and, therefore, your appeal is hereby denied.

Pursuant to West Valley City Municipal Code §3-16-502, you may appeal this determination to the City Council, in writing, no later than 30 calendar days after my denial of your appeal.

Very truly yours,

A handwritten signature in black ink that reads "Wayne T. Pyle".

Wayne T. Pyle  
City Manager

cc: J. Eric Bunderson, City Attorney  
Martha S. Stonebrook, Public Safety Attorney  
Sheri McKendrick, City Recorder



**WEST VALLEY CITY**  
Unity · Pride · Progress

Office of the City Attorney

October 21, 2014

Mr. Nate Carlisle  
Salt Lake Tribune  
[ncarlisle@sltrib.com](mailto:ncarlisle@sltrib.com)

Re: Response to GRAMA request dated October 18, 2014

Dear Mr. Carlisle:

On October 18, 2014, you submitted a GRAMA request for certain information regarding Kevin Salmon, a former West Valley City police officer. Please accept the following as the City's response:

**First Request:** "A copy of Mr. Salmon's resignation letter."

**Response:** A copy of Mr. Salmon's resignation letter is attached to this response.

**Second Request:** "Any notices sent to Mr. Salmon concerning his employment status, the findings of administrative reviews or investigations concerning him or intent to discipline or terminate."

**Response:** The City does not have any documents responsive to this request.

**Third Request:** "Any severance or separation agreements between Mr. Salmon and West Valley City."

**Response:** The City did not enter into a severance or separation agreement with Mr. Salmon and, therefore, there are no documents that are responsive to your request.

**Fourth Request:** "Any findings of the administrative review or investigation into Mr. Salmon."

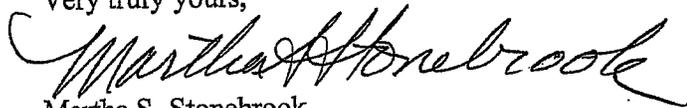
**Response:** A copy of the PSRB Recommendation regarding Mr. Salmon is attached. To the extent your request seeks the Internal Affairs file relating to Mr. Salmon's involvement in the November 2, 2012 shooting that was open at the time of Mr. Salmon's resignation, your request is denied because those files are classified as private and protected pursuant to U.C.A. 63G-2-302(2)(d)(records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy); and U.C.A. 63G-2-305(10)(a) and (b)(records created or maintained for disciplinary purposes if release of the records reasonably could be expected to interfere with disciplinary investigations or proceedings).

**Fifth Request:** "A recording or transcript of all of Mr. Salmon's interviews concerning the events of November 2, 2012."

**Response:** Your request is denied on the grounds that the information you have requested is classified as private and protected pursuant to U.C.A. 63G-2-302(2)(d)(records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy); and U.C.A. 63G-2-305(10)(a)and(b)(records created or maintained for civil, criminal or administrative enforcement purposes or discipline if release of the records reasonably could be expected to interfere with investigations or enforcement proceedings).

You have the right to appeal the denial of the Internal Affairs file and the transcript/recording of Kevin Salmon interview(s) (see Fourth and Fifth Requests and Responses) to Wayne Pyle, City Manager, 3600 Constitution Blvd., West Valley City, UT, 84119, within 30 days. Your notice of appeal must be in writing. It must include your name, mailing address, a daytime telephone number and explanation of what relief you are seeking. You may also include any supporting information with your notice of appeal.

Very truly yours,



Martha S. Stonebrook  
Public Safety Attorney

Attachments

cc: Eric Bunderson, City Attorney

October 9, 2014

West Valley City  
West Valley City Police Department  
Attn: Paul Isaac & Chief Lee Russo  
3601 S. Constitution Boulevard  
West Valley City, Utah 84119

Dear Chief Russo & Mr. Isaac:

After 8 years of honor and distinction of serving the citizens of the West Valley City, I will be resigning my position as a detective with the West Valley City Police Department effective at the close of business on October 15, 2014.

Regards,

A handwritten signature in black ink, appearing to read 'Kevin Salmon', with a long horizontal flourish extending to the right.

Kevin Salmon

