



OFFICE OF THE
UTAH STATE AUDITOR

November 3, 2014

Stephen Capson
1979 Cherry Lane
Heber City, Utah 84032

Dear Mr. Capson:

This letter is in response to your GRAMA request delivered to the Office of the State Auditor on October 24, 2014 in which you requested the following records:

1. Any and all audit/investigation files, notes or documents related to Stephen Capson, Councilman Capson, Board Member Capson, etc. as Wasatch County Councilman or Board Member of Jordanelle Special Service District.
2. All communications concerning Stephen Capson from, to or within the Office of the Utah State Auditor including but not limited to communications from or to John Dougall, Jodi Hoffman, L. Tasman Biesinger, Max Britton, Michael Johnson, Jeff Rogers, or Paul Rogers.

Unfortunately, we are unable to provide you with records related to your request because any records we *might* have pursuant to your request would be considered part of an ongoing investigation by the Office of the Utah State Auditor and, as such, would be protected at this point in time per the following sections of Utah Code:

- Utah Code § 63G-2-305(10) classifies as “protected” “records created or maintained for ... audit purposes,... if release of the records ... (b) reasonably could be expected to interfere with audits; ... (e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders ... if disclosure would interfere with ... audit efforts.”
- Utah Code § 63G-2-305(16) classifies as “protected” “records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released.”
- Utah Code § 67-3-1(14) (a) classifies as “protected” records “(iii) before an audit is completed and the final audit report is released... (iv) records that would disclose an outline or part of any audit survey plans or audit program.”

Although Utah Code § 63G-2-202 allows records classified as “private” to be disclosed to subjects of the record, it does not provide for “protected” records to be disclosed. However, you may submit a request for documents related to our investigation once we have finished our investigation.

Pursuant to Utah Code § 63G-2-401, you have the right to appeal the denial of this request to the chief administrative officer, John Dougall, Utah State Auditor. 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. Your appeal may be submitted at the address listed below.

Please be aware that all GRAMA requests are posted on our website as a matter of office practice. We do this to provide transparency and accountability to the public at large.

Sincerely,

Linda Siebenhaar, Records Officer