



**J. Michael Clára**  
Salt Lake City School Board  
District Two

801-521-3223 • donMiguelSLC@gmail.com  
974 S. 1400 W. • Salt Lake City • Utah • USA

10 August 2015

**DELIVERED VIA USPS PRIORITY MAIL**

Ms. Nova Dubovik, Executive Secretary  
Utah State Records Committee  
346 South Rio Grande  
Salt Lake City, Utah 84101-1106



**Re: Michael Clára vs. Salt Lake City School District**

Dear Ms. Dubovik,

This letter is to inform you that as the petitioner in the above styled case, it is my intent to appear at the State Records Appeal Hearing, scheduled for August 13, 2015, as per your letter of June 15, 2015.

On **August 8, 2015**, I received two strange letters from two different attorneys. One letter <sup>1</sup>is from Ms. Joan Andrews of Fabian Clendenin, addressed to you and I am cc-ed on it. Ms. Andrews first sentence states:

*“Further to our phone conversation of yesterday August 6<sup>th</sup>, this letter is to confirm that the Board of Education of Salt Lake City School District has resolved the basis for Mr. Clára’s GRAMA appeal by providing the one document that was at issue therein”.*

This is a false statement! Nothing has been resolved with me:

1. My issue is not with the Board of Education (see Ms. Andrews’s letter), my issue is with the bureaucracy of the Salt Lake City School District due to their denial of my GRAMA request.
2. I am not exactly sure what Ms. Andrews’s role is in this matter. Is she representing the Records Committee or the School District? Is she the attorney for the school district’s attorney? Are tax dollars now being used to shield the bureaucracy’s attorney from elected officials?

<sup>1</sup> See Ms. Andrews letter to State Records Committee 08/07/15

When I became a member of the Salt Lake City Board of Education in 2013, the legal counsel for the board was John Robson of Fabien Clendenin.

On the advice of the school district bureaucracy, the board of education replaced Fabian Clendenin <sup>2</sup> with Vancott, Bagley, Cornwall & McCarthy Law Firm in 2015. Looking back at the minutes of the last board meeting, the board's legal counsel is still Vancott. <sup>3</sup> Accordingly, Ms. Andrews does not speak for me nor have I been part of any approval process that would give her the authority to speak for the board or the district for that matter.

Page | 2 of 3

In addition to the letter from Ms. Andrews, I received a letter <sup>4</sup> from Ms. Kristina Kindl who is the Director of Policy & Legal Services for the school district. Ms. Kindl is under the false assumption that I work for her. The last sentence of her letter states:

*"Please contact the State Records Committee to cancel the hearing, and inform them that the requested documentation has been provided to you."*

On January 7, 2014, over my objections and that of a fellow board member, Ms. Kindl was hired as Director of Policy & Legal Services.<sup>5</sup> In that board meeting, we were told that Ms. Kindl's responsibilities as "in-house attorney will be to review contracts, support for the board policy subcommittee, help with review of 504 requests, GRAMA requests, and parliamentarian for the board."<sup>6</sup> The minutes of that meeting also state, "For clarification it was noted John Robson will continue to serve as the board's attorney".<sup>7</sup> The first page of those minutes list John Robson as "board legal counsel from Fabian, Attorneys at Law".<sup>8</sup> As indicated above, the board has since hired Vancott, Bagley, Cornwall & McCarthy Law Firm in place of Fabien Clendenin.

As you can see, there is no basis whatsoever for Ms. Kindl to give me legal advice on this matter as she is not the counsel to the board or to me. In fact, Ms. Kindl herself has previously delineated this relationship in an email to me, in response to my question as to how she is invoking "attorney client privilege", in denying my GRAMA request. Ms. Kindl stated the following:

*"When I use that language in a GRAMA response, I am the attorney...accordingly, the privilege protects from disclosure any communications that I have with district administrators and employees..."*<sup>9</sup>

Furthermore, she has no authority under current law, policy or procedure to issue orders to a member of the board of education.

---

<sup>2</sup> See Notice of Intent to Select 12/03/14

<sup>3</sup> See Salt Lake City Board of Education Minutes 06/16/15

<sup>4</sup> See Ms. Kindl letter to Michael Clára 08/07/15

<sup>5</sup> See Human Resource Board Report 01/07/14

<sup>6</sup> See Salt Lake City Board of Education Minutes 0/07/14

<sup>7</sup> *Ibid*

<sup>8</sup> *Ibid*

<sup>9</sup> See Ms. Kindl email to Michael Clára 05/13/15


Notwithstanding her command for me to withdraw my request for a hearing before the Records Committee, as far as I am concerned my appointment with the Hearing Committee still stands.

In conclusion, Ms. Kindl states: "Insofar as you have received all the records which are responsive to your request, a hearing before the State Records Committee is no longer required".

Page | 3 of 3

Ms. Kindl is mistaken, I have not "received all the records which are responsive to [my] request". Notwithstanding her erroneous statement, my appointment for a hearing before the Records Committee, still stands.

Shalom,



J. Michael Clára  
Board Member, District 2

Enclosures

cc: Salt Lake City Board of Education  
Mr. McKell Withers, Superintendent  
Ms. Joan Andrews, Legal Counsel  
Ms. Ms. Kristina Kindl, Director of Policy

P.S. After composing this letter, I did put a call into Ms. Florence Vincent of Vancott, Bagley, Cornwall & McCarthy Law Firm, as previously indicated is the current legal counsel for the Board of Education.

I was advised by the receptionist that Ms. Vincent is no longer with the firm as she left in May.

That is odd because she was at the June and August Board meeting with the minutes showing her still at the law firm that the Board hired in January of this year.

Ms. Vincient is also listed as the Board Legal Counsel in the cc section of Ms. Kindl's August 7 letter to me.

Perhaps that is why Ms. Andres has stepped in and no one informed the Board? Or Ms. Vincent did not inform the Board that she changed firms?

This confusion only serves to highlight the lack of transparency with the current school district administration. Hiring their own full-time attorney at tax payer expense has not helped them to conduct the people's business openly.

