



2019

ANNUAL REPORT

OFFICE OF THE UTAH ATTORNEY GENERAL





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A low-angle photograph of the Utah State Capitol dome, showing its dark, ribbed structure and ornate base. Pink cherry blossom branches are visible in the upper left corner against a clear blue sky.

AG OFFICE

MISSION & VISION

MISSION

To uphold the constitutions of the United States and the State of Utah, to enforce the law, and to protect the interests of the State of Utah and its people, environment, and resources.

VISION

Directed by Attorney General Sean Reyes, the Utah Attorney General's Office (AGO) strives to be the best public law office in the State of Utah and the United States. With approximately 524 attorneys and staff in offices across the state, the Utah Attorney General's Office serves nearly 60 state agencies, boards, and commissions, colleges, and universities, as well as the Governor and the Legislature. Each member of the AGO team is committed to representing the citizens of Utah with the highest level of integrity, professionalism, civility, and transparency.

AG OFFICE

PRIORITIES

Protect Utahns, particularly children

The top priority of the Utah Attorney General's Office is to keep citizens, especially children, safe from violent crimes, domestic abuse, and predatory crimes. The AGO works hard through its task forces and with law enforcement partners to fight the illegal drug trade, human trafficking, government corruption, and many other types of serious criminal activity. The office investigates and prosecutes these crimes to make the state safe for Utah families while protecting victims and empowering them to reclaim their lives.

Restore public trust

Efficiency, ethics, and transparency are key components to the foundation of good government. It is vital that citizens know what their public officials do. The Utah Attorney General's Office itself is committed to best practices of proper government and providing the best possible legal representation while carefully using public funds and being accountable to the people who vest the AGO with authority.

Protect Utah businesses and consumers from white collar frauds and scams

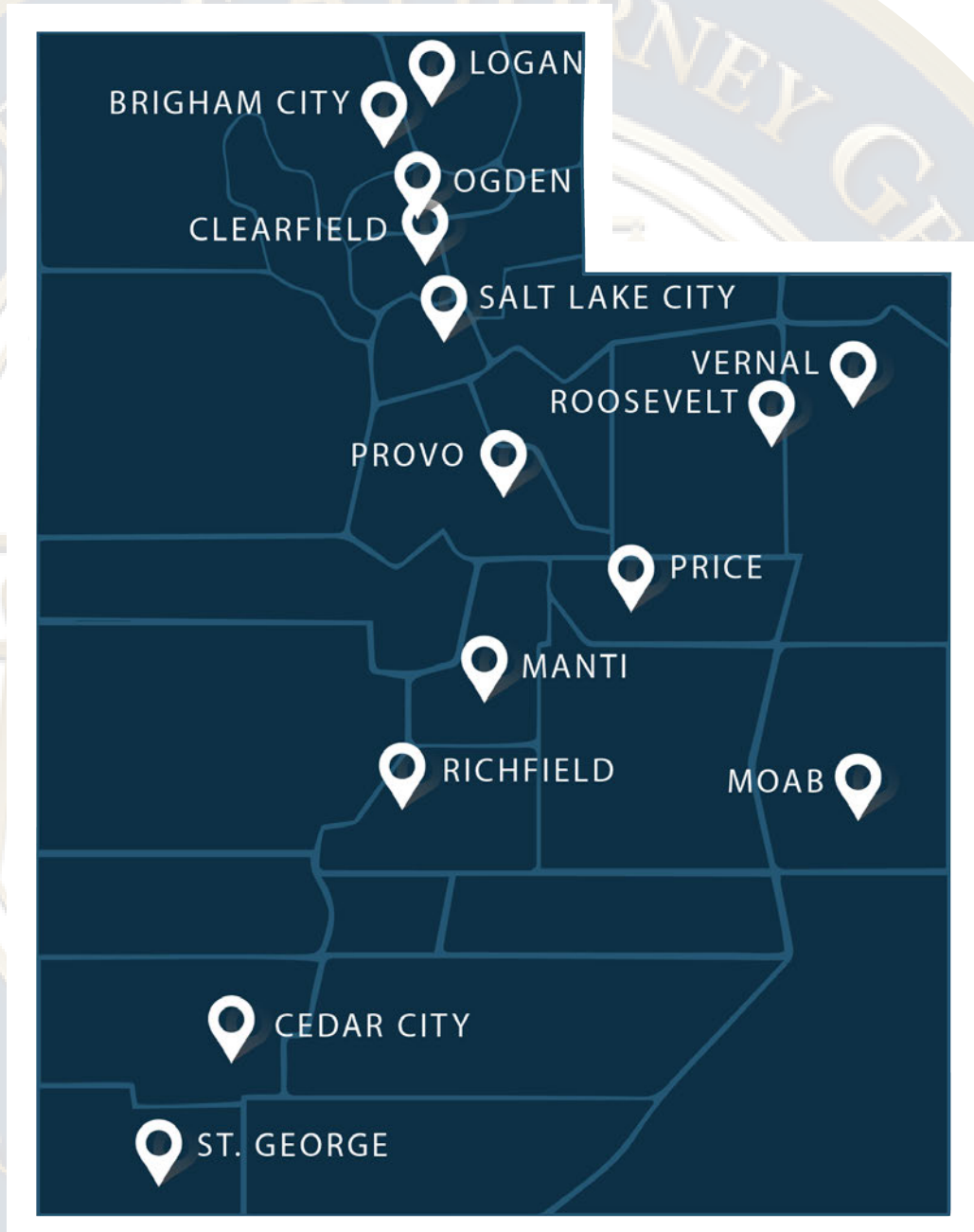
The Utah Attorney General's Office is committed to protecting businesses and consumers from those who abuse the law. Whether investigating and prosecuting tax fraud and Ponzi schemes, enforcing the Consumer Protection Act, cracking down on internet abuse and anti-competitive business practices, combating counterfeiting and identity theft, or safeguarding against other business crimes and abuses, these protections translate into a safer Utah for all of us.

Defend Utah's laws against federal government overreach

Utah's rich, natural resources and wild landscapes reflect a strength and independence that the Utah Attorney General's Office is proud to represent. From urban to rural interests, energy development to conservation, and pioneer stock to new residents, defense of our economy and enforcement of our laws has a far-reaching impact.

Attorney General Reyes is committed to listening to and representing our citizens and our business owners in concerns as diverse as mining, technology, agriculture, direct sales, manufacturing, finance, retail, energy, hospitality, healthcare, professional services, insurance, entertainment, real estate, and automobile issues. He will continue to lead our state in fighting crime and federal overreach that threaten Utah's independence, economic growth, and safety.

AG OFFICE LOCATIONS



AG OFFICE

2019 Highlights

Civil Appeals

Successfully defended Utah income tax statutes against constitutional challenges, including an issue of first impression.

Highways & Utilities

Successfully completed the transition to AGO providing legal services to UTA. Through the transition, and reduction in reliance on outside counsel, the Division saved the client \$740,000 in their legal budget.

Litigation

Closed 159 of 283 lawsuits in 2019. Coverage provided by the Utah Division of Risk Management for early intervention in employment matters has led to a 15% decline in employment claims and a 59% decrease in overall employment claim costs.

Natural Resources

Division attorneys, along with State officials, negotiated a settlement with the US and SLC to quantify reserved water right claims in the Red Butte Creek Subdivision. The claims for over 1,900 acre-feet of water were negotiated down to 1 acre-foot of water, representing a positive outcome for the State.

Division counsel ensured bonding was increased from \$120,000 to just over \$1 million in bringing the Sawtooth Caverns underground facility online which adds to Utah's unique energy landscape and demonstrates the Division of Oil, Gas & Mining's willingness to solve novel engineering and resource issues.

Medicaid Fraud Control Unit

Successfully prosecuted a number of cases that led to over \$3.5 million in restitution to be repaid.

State Agency Counsel

A collaborative defense team including attorneys from the SAC Division, Environment and Health Division, and CDSL Division successfully negotiated a settlement with the Disability Law Center after approvals by the Governor's office and the Utah Legislature. The State also secured funding during the 2019 Legislative Session to implement the settlement and to better the lives of more than 300 individuals living with disabilities.

Tax, Financial Services, & Antitrust

The AGO and 29 other attorneys general settled a lawsuit with Premier Blue Cross requiring the company to pay \$10 million total to states.

The AGO announced a historic \$600 million nationwide settlement with Equifax for a 2017 data breach that affected more than 147 million Americans and more than 1.2 million Utahns. Attorneys general from all 50 states were included in the settlement. Equifax must reimburse affected consumers for up to \$20,000 for losses due to identity theft and pay up to \$425 million into a settlement fund along with \$175 million to the states (\$1,422,915.91 of which went to Utah).

AG OFFICE

2019 Best of State



The Utah Attorney General's Office found itself the proud recipient of multiple Best of State awards this year. Those in the Utah AG's Office work hard to uphold the Constitution, enforce the law, and protect the interests of Utah and its people. Our sincere thanks to all those who give their time and energy to help make our office the Best of State.

The Best of State Awards recognize outstanding individuals, organizations and businesses in Utah. More than 100 judges review the nominations and determine the winners based on achievement in the field of endeavor, innovation or creativity in approaches, techniques, methods or processes, and contribution to the quality of life in Utah.

See below for a complete list of the AG's Best of State 2019 awards.

- **Elected State Official:** Utah Attorney General Sean D. Reyes
- **Military Personnel/Unit:** Utah@EASE
- **Public Safety:** Investigations Division, Utah AGO
- **Public Works:** Utah Opioid Task Force
- **Public/Private Partnership:** The Utah Children's Justice Center Program
- **Publication:** Utah AGO White Collar Crime Offender Registry
- **State Agency/Office:** Utah Attorney General's Office
- **Victim Advocacy:** Attorney General Sean Reyes
- **Web-based Community Resource:** The SafeUT App
- **Public Safety Officer:** DEA District-Agent-in-Charge Brian Besser

The Utah AGO nominated DEA District-Agent-in-Charge Brian Besser for the best Public Safety Officer award due to his relentless work in combatting the opioid epidemic that has hit Utah both in the metro and rural areas. We are privileged to call him a partner, colleague, and friend.





SPECIAL PROJECTS



UTAH OPIOID TASK FORCE

OVERVIEW

Working with legislators, community activists, the medical community, and the Drug Enforcement Agency, Attorney General Sean Reyes organized the Utah Opioid Task Force in 2017 to combat the opioid epidemic. The Utah Opioid Task Force is a voluntary task force made up of representatives from partner agencies and organizations across the state. The mission of the task force is to take action against opioid abuse through law enforcement, prosecution, proposed legislation, and innovation. The collaborative process brings together leaders to create solutions that take on the opioid crisis with direct action.



2019 OPIOID SOLUTIONS SUMMIT: INSTEAD

6th Annual Utah Solutions Summit

Utah Attorney General Sean D. Reyes joined with international motivational speaker Nick Vujicic for the Annual Instead Summit 2.

The purpose of the program was to send a strong and positive message to youth in Park City High School and Roy High School as they confront negative forces such as bullying and drug abuse every day, which can seriously harm a student's self-esteem. Teens often get caught up in unhealthy lifestyles that can lead to life-changing events and suicide.



UTAH TAKE BACK DAY

The AGO encourages Utahns to prevent pill abuse and theft by ridding homes of potentially dangerous expired, unused, and unwanted prescription drugs.

Take Back Day, sponsored by the U.S. Drug Enforcement Administration twice a year, provides the opportunity to safely and anonymously dispose of unused and expired prescriptions. When unused prescriptions are left in the house, you can unintentionally become a dealer. Appropriate disposal of prescriptions prevents any misuse of these medications.

In 2019, a total of 35,890 pounds of unwanted, unused, and expired prescription drugs were collected during Utah Take Back Days.





Utah@EASE

OVERVIEW

Utah@EASE is a referral program led by the Office of the Utah Attorney General in conjunction with the Utah Department of Veterans and Military Affairs and the Utah State Bar.

It is a public-private partnership offering pro bono legal assistance and representation to veterans and Active Duty, Reserve, and National Guard service members for: military rights, immigration law, property/landlord cases, predatory lending, creditor/debtor issues, employment, consumer fraud, and wills/power of attorney.

Only matters listed above are covered under this program. Criminal, family law, personal injury, and legal matters against the USA or a state, among other issues, are not covered.

Assistance through the program is by referral only. If you have a legal emergency, contact an attorney. Utah@EASE referrals typically take several days.

Applicants must be Active Duty, Reserve, National Guard, or if a veteran, must have an honorable or general discharge, and have a legal issue that is covered.

In 2018, Utah@Ease won the Best of State Award for best Military Personnel/Unit.

BY THE NUMBERS



VOLUNTEERS

59



INQUIRIES

278

SUPPORTED

(SCREENING, READY, PLACED, CLOSED, WITHDREW)

172





CHILDREN'S JUSTICE CENTERS

OVERVIEW

The Utah Children's Justice Center (CJC) Program is an accredited chapter of the Nation Children's Alliance and is dedicated to helping local communities respond to allegations of child abuse in ways that are effective and minimize trauma for the child. Administered by the Utah Attorney General's Office, the Utah CJC Program includes 23 locations statewide.

When abuse is suspected, the child is brought to a Children's Justice Center—a safe, child-focused facility—to talk to a trained interviewer. A team of law enforcement members, child protective services agents, medical and mental health providers, victim advocates, and prosecutors make decisions together about how to handle the case and help the child. Children and families are connected with services and supported throughout the process.

The CJC Program is responsible for administering the state's 23 CJs, providing oversight, allocating state and federal funding, providing training and technical assistance, monitoring service delivery, and serving as the liaison to the many organizations and councils that have child abuse as a focus.

MISSION

The mission of the Children's Justice Center Program is to provide a comfortable, neutral, child-friendly atmosphere for children to receive coordinated services during the child abuse investigative process.

PERFORMANCE OUTCOMES

These outcomes are part of a national outcome measurement system used by 900-plus centers throughout the country.

Outcome #1: The CJC facilitates healing for children and caregivers.

97% of respondents agreed that the CJC's provide them with resources to support them and their child. 97% agreed that if they knew anyone else who was dealing with a similar situation, they would tell that person about the CJC.

Outcome #2: The multi-disciplinary team (MDT) approach fosters more collaborative and efficient case investigation.

97% of team members believe clients benefit from the collaborative approach of the MDT.

96% of team members believe that the CJC fosters collaboration.

2019 Comment From a Parent:

"My wife and I are so impressed with our experience today. Wow! To know such a place exists to help our children is so incredibly comforting."



NUMBER OF CASES HANDLED BY CJCS

6,868

14% increase since 2017





HIGHLIGHTS

Trauma Screening and Treatment for Child Abuse Victims

The Care Process Model (CPM) developed by Primary Children's Center for Safe and Healthy Families and the University of Utah was expanded to 21 centers. This screening tool was designed to help identify and manage traumatic stress and suicide ideation. Almost 70% of the children screened in CJC's reported moderate to high trauma symptoms, and 29% were identified as at-risk for suicide. Using federal grants from the Victims of Crime Act, most CJC's are now funding therapists to provide evidence-based trauma treatment to these children.

Interfaith Conference on Child Abuse

In partnership with the Faith Leaders Committee of the Utah Coalition for Protecting Childhood, the CJC Program organized a conference to help faith leaders better understand child abuse dynamics, laws, the impact of trauma, and how to support members of a congregation affected by abuse. More than 150 faith leaders were in attendance. The response was so positive that we are organizing a similar event for 2020.

Mental Health Partnership with Yale University and National Children's Alliance

Through a partnership with Yale University and the National Children's Alliance, the CJC Program implemented Child and Family Traumatic Stress Intervention (CFTSI) treatment with therapists at Utah CJC's serving 12 counties. Utah was one of two states selected for this 18-month initiative.

Specialized Forensic Interview (FI) Training

In addition to providing several standard FI training sessions throughout the state, the CJC Program created an Advanced FI Curriculum for interviewing reluctant and trafficked victims. The curriculum was designed for the FI specialists that currently work in six CJC's. The FI specialist initiative is expanding into additional CJC's with the help of federal grants and county support.

The CJC Program provided Medical Interview Training to all CJC-affiliated medical providers on how to obtain information without duplicating the forensic interview. In FY19, the CJC Program provided training at several key annual conferences, including the Annual Judicial Conference and the Utah Association of Assistant School Principals Conference.



HIGHLIGHTS *cont.*

Improved Training Accessibility

To make training more accessible, the CJC Program is offering more workshops online. It developed an online FI Overview for professionals who need some basic understanding of the FI process but do not personally conduct interviews. The CJC Program also provided webcast and recorded FI training to Guardians ad Litem statewide. The Interfaith Conference sessions were also recorded with the goal of developing an online version for faith leaders.

24th Annual Children's Justice Symposium

This conference, organized by the CJC Program and now in its 24th year, drew 806 participants from around the state, including law enforcement, prosecutors, child protective services, and judges.

Best of State

For the third year in a row, the Utah CJC Program was selected for the Best of State award in the category of Public-Private Partnership.

Commercial Sexual Exploitation of Children (CSEC) Training

In partnership with the Utah County CJC, Primary Children's Hospital, and the Internet Crimes Against Children Task Force, the CJC Program hosted seven regional workshops throughout the state on pornography, sextortion, solicitation, and human trafficking.



SAFEUT

OVERVIEW

The SafeUT smartphone app is a free statewide service that provides real-time crisis intervention to Utah's students, parents, and educators. SafeUT was developed by the legislatively-created School Safety and Crisis Line Commission (the Commission), chaired by the Attorney General's Office. SafeUT allows teens in crisis to open a two-way messaging service with licensed clinicians, call a crisis counselor directly, or submit confidential tips to school administrators on bullying, threats, or violence. The app is staffed by trained crisis counselors at the University Neuropsychiatric Institute (UNI) 24 hours a day, 365 days a year.

SafeUT is far more than an app; it is a mental health system that acts to provide professional help for teens in crisis. Crisis help can be provided through texting, which factors into SafeUT's success with teens more comfortable texting than talking on a phone. Use is confidential, and crisis line workers do not inquire about identifying information except in emergency situations. SafeUT has been recognized nationwide for its effectiveness in saving lives and de-escalating potential school incidents. The Commission is currently working with several states to implement similar programs.

In 2019, SafeUT won the 2019 Best of State Award for Best Web-based Community Service for the second year in a row.

PURPOSE

To provide a means for a Utah student, parent, or school employee to access mental health crisis counseling 24/7/365, and to have the ability to submit confidential tips concerning unsafe, violent, or criminal activities, or the threat of such activities directly to their school.

Statewide Success Stopping Violence & Suicide in Schools

Enrolled schools are listed within SafeUT and school administrators are trained to handle submitted tips received through the app. At the end of 2019, 89.1% of all Utah schools (including public, private, charter schools, and universities) have been enrolled in SafeUT.

All tips submitted through the app are immediately reviewed by UNI staff. Non-urgent tips are sent daily to the appropriate school administrators, and

tips of a more threatening nature (including violence or planned school attacks) are sent immediately to law enforcement and administrators and resolved as quickly as possible. In 2019, the SafeUT app received tips about 402 unique potential school threats, including reports of explosives, guns, knives, and planned school attacks. While 33 of these tips were false, 286 of these events were verified by law enforcement as having merit and were dealt with immediately, saving many lives.

Development & Expansion

The SafeUT program was developed with funding from the Utah State Legislature in collaboration with the Utah Attorney General's Office, the University Neuropsychiatric Institute (UNI) and UHealth, the Utah State Board of Education, and the Utah Anti-Bullying Coalition.

In 2018, SafeUT expanded to Utah higher ed institutions and Utah technical colleges. In 2019, SafeUT expanded their services to the Utah National Guard.

Notable Successes

Potential School Threat

Multiple tips came in about a potential school threat. SafeUT, working in collaboration with local authorities and the school, verified the tips. Police were sent to the student's home where they found homemade pipe bombs in various stages of completion.

SafeUT Team

A Hundred Thank You's

"A young LGBTQ+ student came to our booth and whispered to me, 'Do you actually work with SafeUT or are you a volunteer?' I responded that I do work here and he continued to tear up and tell me, 'Thank you, thank you, thank you, a hundred thank you's, you saved my life, I wouldn't be here without you,' and proceeded to hug me and continue to thank me. He said he used the app when he was at his lowest and thanks to our advice and resources he has been able to get help and support."

A SafeUT worker

POTENTIAL SCHOOL THREAT TIPS

402 VERIFIED TIPS

RESULTED IN

286 UNIQUE VERIFIED SCHOOL THREATS

89.1% TOTAL STUDENT REACH






WHITE COLLAR CRIME OFFENDER REGISTRY

Overview

Launched on February 25, 2016, the Utah Attorney General's Office White Collar Crime Offender Registry (WCCOR) is the first website nationwide that provides consumers with a central database of white-collar offenders. It allows investors to look up white-collar offenders and protect themselves from financial fraud.

The WCCOR was developed by the Attorney General's Office in cooperation with the Utah Department of Commerce, the Utah Department of Consumer Protection, the Securities and Exchange Commission, and the Federal Bureau of Investigation.

Importance of the Database

While the main purpose of the WCCOR is to provide a resource to investors, the database also serves the purpose of encouraging offenders to pay restitution. In Utah, over 100 people are convicted of white-collar crimes each year. Because of the volume and high dollar amounts of fraud crimes in Utah, most offenders the AGO prosecutes have defrauded their victims of over \$10 million. Investigations are complicated and can take years, translating into millions of dollars lost before criminals are brought to justice. While the AGO has expanded efforts to investigate and prosecute all fraud cases, very few victims ever receive restitution and those that do usually see only pennies on the dollar for their stolen investment. To help victims recover their money, the White Collar Crime Offender Registry incentivizes offenders to return property to victims to avoid being listed on the registry.

Expanding the Reach

The WCCOR has been accessed from every state and in over 120 countries and has over 158,627 page views. 8,566 users accessed the WCCOR in 2019. As we would expect, most page views are from Utahns, which demonstrates its growing utility to Utah citizens who want to check before they invest.

The WCCOR is fully searchable and users may either scroll through photos and names of offenders alphabetically or search by key words, including names, aliases, and schemes. To provide reasonable privacy to the offenders, the Registry does not include social media information, addresses, place of employment, or contact information.

In 2017 and 2019, the White Collar Crime Offender Registry won the Best of State Award for best Publication.

The registry can be accessed at utfraud.com.



YOUTH ADVISORY COMMITTEE (*TEEN TITANS*)

OVERVIEW

The Utah Attorney General's Youth Advisory Committee (aka Teen Titans) gives an opportunity to teenaged students to make the State of Utah a better place by providing advice to the Attorney General's Office on events, programs, and policies that affect teens.

The Committee meets every two weeks to tackle issues that are important to the State of Utah.



ACHIEVEMENTS

SafeUT App Review

The SafeUT App is a free app that connects students, educators, and parents in crisis situations across Utah with licensed crisis counselors. The app also allows students to submit tips about unsafe situations at school. This app was created by adults, and the teens provided valuable input on how to make it more applicable and appealing to teenagers after reviewing the design, format, chat features. The suggestions were adopted and put into place, resulting in a better app for all.

The Teen Titans frequently work with the SafeUT Commission and the SafeUT App Project Managers on creating solutions to problems that affect Utah Teens.



Advising Children's Justice Centers Program

The teens met with the statewide Children's Justice Centers Services Specialist, who showed them photos of the waiting rooms, exam rooms, and interview rooms at various CJC's throughout the state. The teens were able to give feedback on how to make the centers more welcoming for their peers who have been abused, as well as suggestions on how to communicate more effectively with teenagers. These ideas are being implemented at centers across the state.



Operation Give Back

The teenagers joined with the Utah Attorney General's Office Investigators and other law enforcement to identify families who could use extra help around the holiday season. They were dispatched to different stores in areas with a lower socioeconomic status to look for potential gift recipients. They then radioed to the law enforcement the car model and license plate of the recipients so that law enforcement could pull the family over and present them with the gift. The teens were also able to ride along with law enforcement to give away the gifts. Each family was deeply grateful.

Developing L.E.T.S. Stay Safe - A Gun Safety Program

The L.E.T.S. (Leave it alone; Educate others; Tell an adult; and Share threats with authorities) Stay Safe program and curriculum went live in the 2019-2020 school year. The Attorney General's Youth Advisory Committee was involved in the entire process, including early brainstorming meetings, curriculum design, and logo scheme. They helped the developers understand social media, different ways of learning, and Utah teen culture. They were also involved in the making of the instructional Gun Safety film and can be seen at multiple times throughout the video.



LIVETIME

OVERVIEW

LiveTime is an intelligence platform created by Banjo that has the ability to understand what is happening live throughout the state.

Administered through a joint task force with the Department of Public Safety and the University of Utah after creation during the 2019 Legislative Session, Livetime uses artificial intelligence to identify and validate live information, helping public safety personnel get information right now, helping them understand what is happening and where it is happening in the moment that it happens. This information allows the AGO to make decisions faster, saving lives and reducing suffering to our citizens.

All personal identifying information is removed to insure privacy rights are upheld. As the platform has rolled out, hundreds of UDOT cameras have been improved with millions of dollars of infrastructure invested to update and build out antiquated systems. As the platform is adopted by more and more agencies, the results only become more promising, improving exponentially.

From quickly finding and reporting small traffic accidents to identifying robbery suspects instantly, LiveTime has already impacted and improved the lives of Utahns.

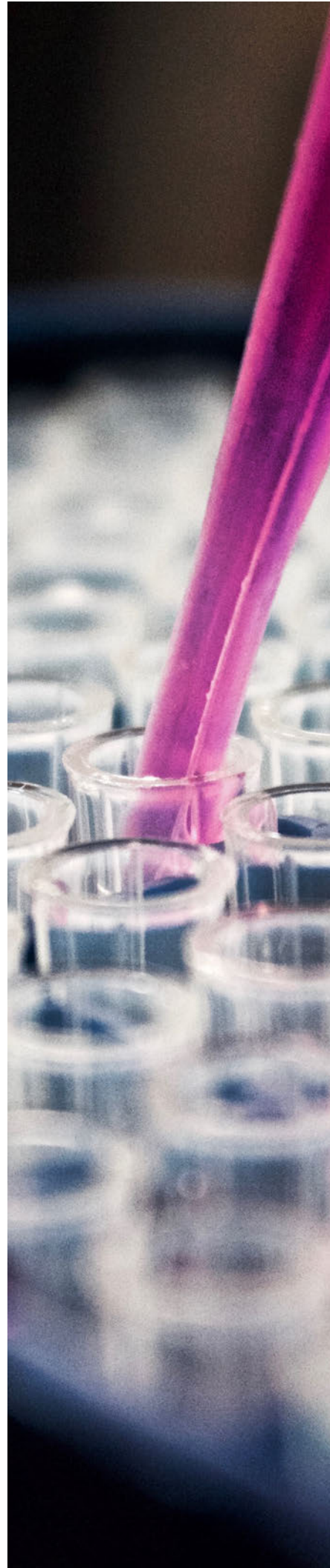
RAPID DNA

OVERVIEW

The Utah AGO has purchased a Rapid DNA system for statewide law enforcement use. This past year, investigators were requested to do Rapid DNA work on nearly 100 cases. A majority of those cases were weapons cases (possession by restricted person). However, agents also assisted on many burglaries, vehicle thefts, home burglaries, aggravated assaults, homicide, and child abduction.

Lizzy Shelley

An extremely important case that utilized the RapidDNA system occurred in Logan, UT during the Memorial Day holiday weekend. A 5-year-old girl was abducted overnight by her 21-year-old uncle. There were no witnesses and the uncle was uncooperative. Evidence was located close to the girl's residence that contained DNA. The Rapid DNA was able to analyze the DNA and link the uncle to the girl within hours of the abduction. Due largely to the evidence analyzed, on day 5 of the search, Cache County Attorneys filed capital homicide charges on the uncle. In exchange for the death penalty, the uncle then drew a map for police to where the little girl's body was recovered. Rapid DNA was instrumental in assisting police investigate the abduction, homicide, and recovery of 5-year-old Lizzy Shelley.





SUPREME C





CONSTITUTIONAL SECTION

1 DIVISIONS

3 ATTORNEYS & 1 STAFF



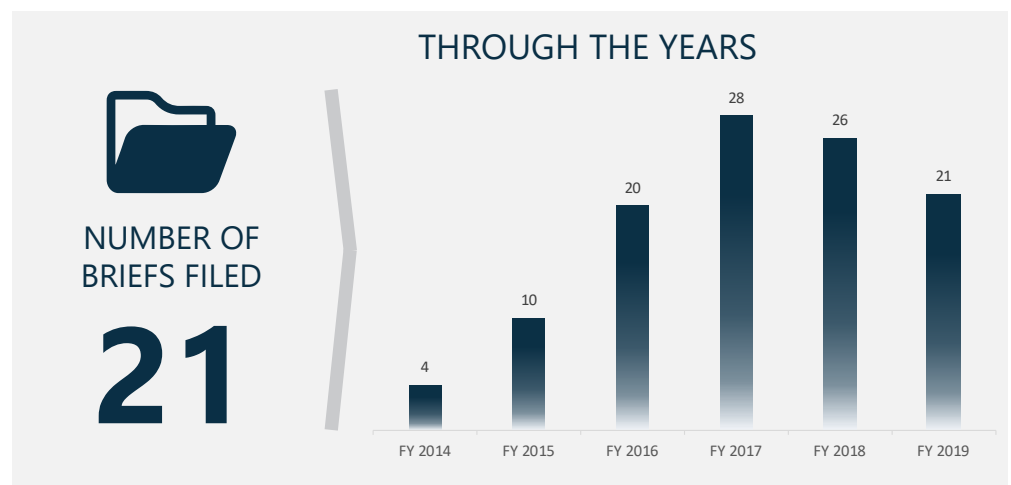
CONSTITUTIONAL DEFENSE & SPECIAL LITIGATION

OVERVIEW

Lawsuits challenging the constitutionality of state law (that are not covered by indemnification for civil liability for money damages in the Risk Fund) are defended by the Constitutional Defense and Special Litigation Division (“CDSL”) under the supervision of Solicitor General Tyler Green. Some of the more publicized cases that have been handled by the Solicitor General and the CDSL team in 2019 include:

- Brewvies’ First Amendment challenge to the statutory prohibition against serving alcohol while showing movies containing sexual images;
- Resolution of the Disability Law Center’s class-action lawsuit alleging the State detains individuals arrested for crimes and awaiting competency restoration for time periods that exceed constitutional limits;
- The Disability Law Center’s class-action lawsuit alleging the State fails to transition individuals with intellectual or developmental disabilities from intermediate care facilities to home and community-based services at a constitutionally permissible pace; and
- Litigation related to a private coalition’s attempt to remove the Utah Medical Cannabis Act initiative from the general election ballot.

BY THE NUMBERS



NOTABLE CASES

Planned Parenthood v. Miner

Defending against Planned Parenthood of Utah's claims that Utah Code §76-7-301, formally H.B. 136, which prohibits abortions performed after the 18th week of pregnancy is unconstitutional. Planned Parenthood of Utah contends this statute violates the rights, liberty, and wellbeing of Utah women and their families.

UT Stream Access v. VR Acquisitions

Defending the Public Waters Access Act against Utah Stream Access Coalition members' lawsuit alleging they have the legal right to access and use Utah's public waters in a portion of the Provo River that is owned by VR Acquisitions. Coalition members have been cited or warned they are criminally trespassing and seek to establish an easement over steam beds throughout Utah.

Salt Lake City v. Inland Port

Salt Lake City v. Inland Port et al. In this case, the City alleges that the Inland Port Act violates two provisions of the state constitution: (1) the Ripper Clause and (2) the Uniform Operation of Laws Provision. Both parties have asked the district court to grant summary judgment. The competing summary judgment motions have been fully briefed and oral argument was heard November 18th, 2019.

Swallow v. State

Resolved former Attorney General John Swallow claim to more than \$2 million in attorney's fees and costs that he incurred in defending against criminal charges brought against him by the State of Utah.

Shurtleff v. State

Resolved former Attorney General Mark Shurtleff claim to more than \$1,000,000 in attorney's fees

and costs that he incurred in defending against criminal charges brought against him by the State of Utah.

Epilepsy Association v. Herbert

Defending an action for declaratory and injunctive relief claiming Utah Legislature's passing HB 3001--the Utah Medical Cannabis Act--violated the constitutional right of the People to directly pass legislation through the initiative process under Article VI, Section 1 of the Utah Constitution, and that The Church of Jesus Christ of Latter-day Saints unconstitutionally dominates the State and interferes with the State's functions, claiming that is a violation of Article I, Section 4 of the Utah Constitution.

Texas v. Zinke

Texas v. Zinke is a challenge to the Indian Child Welfare Act (ICWA). The State is not a party, but Utah has joined other states and submitted an amicus brief, arguing that ICWA does not violate the federal constitution. A district court judge in Texas initially struck down ICWA as unconstitutional. However, a three-judge panel of the fifth circuit overruled the district court judge and held that ICWA is constitutional. Now the case is before the full panel of the 5th Circuit Court of Appeals for rehearing and a decision is expected in the second quarter of next year.

Richards v. Cox

In this civil action, plaintiffs contend that 2016's SB 78 dealing with Title 20 of the Utah Code violated Article X of the Utah Constitution by requiring the election of members of the Utah state school board on a partisan basis. The Utah Supreme Court reversed the district court's ruling striking down the statute and remanded the case for further proceedings.





APPELLATE DEPARTMENT

2 DIVISIONS

25 ATTORNEYS & 9 STAFF



CRIMINAL APPEALS

OVERVIEW

The Criminal Appeals Division defends all felony convictions from the direct appeal through all the remaining levels of review in State and Federal Court. In addition to briefing and argument in the appellate courts, this includes civil litigation practice covering complex discovery and evidentiary hearing.

The Division works to shape precedent so that the law is fair to all Utah's citizens. Major wins include defending the aggravator for killers who create a great risk of death to others and the limitations on attacks to guilty pleas. The Division defended the conviction and sentence of Ronald Lafferty until his death, as well as the conviction of Johnny Wall, who drowned his wife in a bathtub.

The Division writes States' amici briefs in the United States Supreme Court on issues that affect Utahns. Other States have begun recruiting our participation.

The Division also advocates for and assists in legislative changes. Recently, the Division worked on legislative changes to a homicide defense to limit the potential for manipulating that defense. The Division has also worked with other stakeholders on restitution amendments to maximize victims' recovery while assuring due process for the defendants.

Attorneys in the Division serve on Utah Supreme Court Advisory committees for the Rules of Criminal Procedure, Rules of Evidence, Rules of Appellate Procedure, and until recently, Rules of Professional Conduct. One attorney chairs the Statewide Association of Prosecutors. Another serves on a committee that screens applications to be approved to represent indigent criminal defendants.

The Division is frequently complimented for its high-quality work. As mentioned, other States have recruited the Division to participate in their Supreme Court cases. One Tenth Circuit judge commented that no United States Attorney's office produces better work than this Division.

BY THE NUMBERS

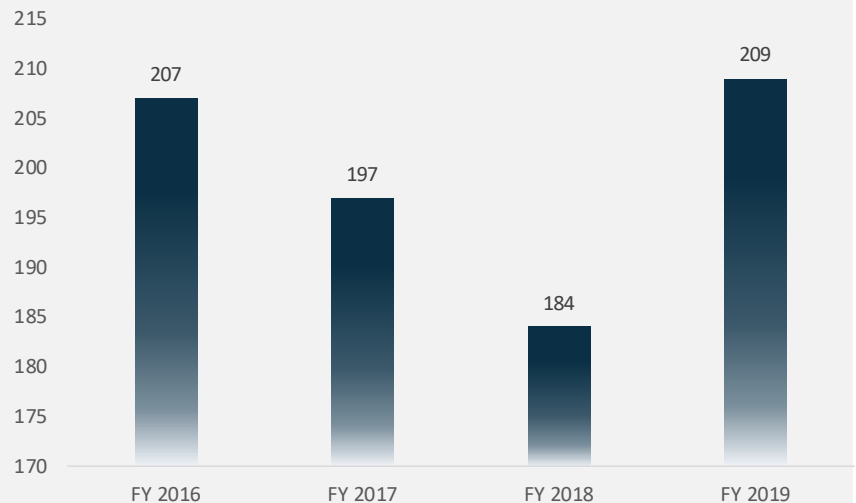


NUMBER OF BRIEFS FILED

209

14% increase since 2018

THROUGH THE YEARS



NOTABLE CASES

State v. Johnny Wall

In *State v. Johnny Wall*, 2019 UT App 205, the Criminal Appeals Division successfully defended Dr. Wall's conviction for drowning his ex-wife. The case required a meticulous marshaling of voluminous circumstantial evidence and careful explanation why Wall's telling of the evidence was incomplete.

State v. Sosa-Hurtado

In *State v. Sosa-Hurtado*, 2019 UT 65, the Division successfully defended the murder aggravating circumstance that the defendant put two or more persons in danger. This was a hard-fought case that protected the intended broader reading of the aggravator.



CIVIL APPEALS

OVERVIEW

The Civil Appeals Division is part of the Appellate Department under direction of Solicitor General Tyler Green. Appellate lawyers in the division defend the state's victories from challenges on appeal or obtain reversals by the appellate court of erroneous, adverse decisions. The division frequently works together with other trial attorneys in the AGO on complex substantive matters involving challenges from administrative actions and district court cases, as well as questions certified to the Utah Supreme Court from other courts. Wide-ranging challenges handled by the division may involve constitutional challenges, Native American law, administrative law, eminent domain, tax law, water law, public lands, and prisoner parole issues.

IMPORTANCE OF CIVIL APPEALS

The division handles virtually all civil appellate matters involving the state and its myriad agencies, officers, and employees represented by the AGO. The division also drafts amicus briefs on important issues raised in other appellate cases that do not directly involve a state party. Civil appellate matters arise in both state and federal appellate courts, including the Utah Court of Appeals, Utah Supreme Court, U.S. Court of Appeals for the Tenth Circuit, and the United States Supreme Court. These are particularly important as they are likely to become binding precedent throughout the state, the Tenth Circuit (including six western states), or the nation.



HOW THE CIVIL APPEALS DIVISION WORKS

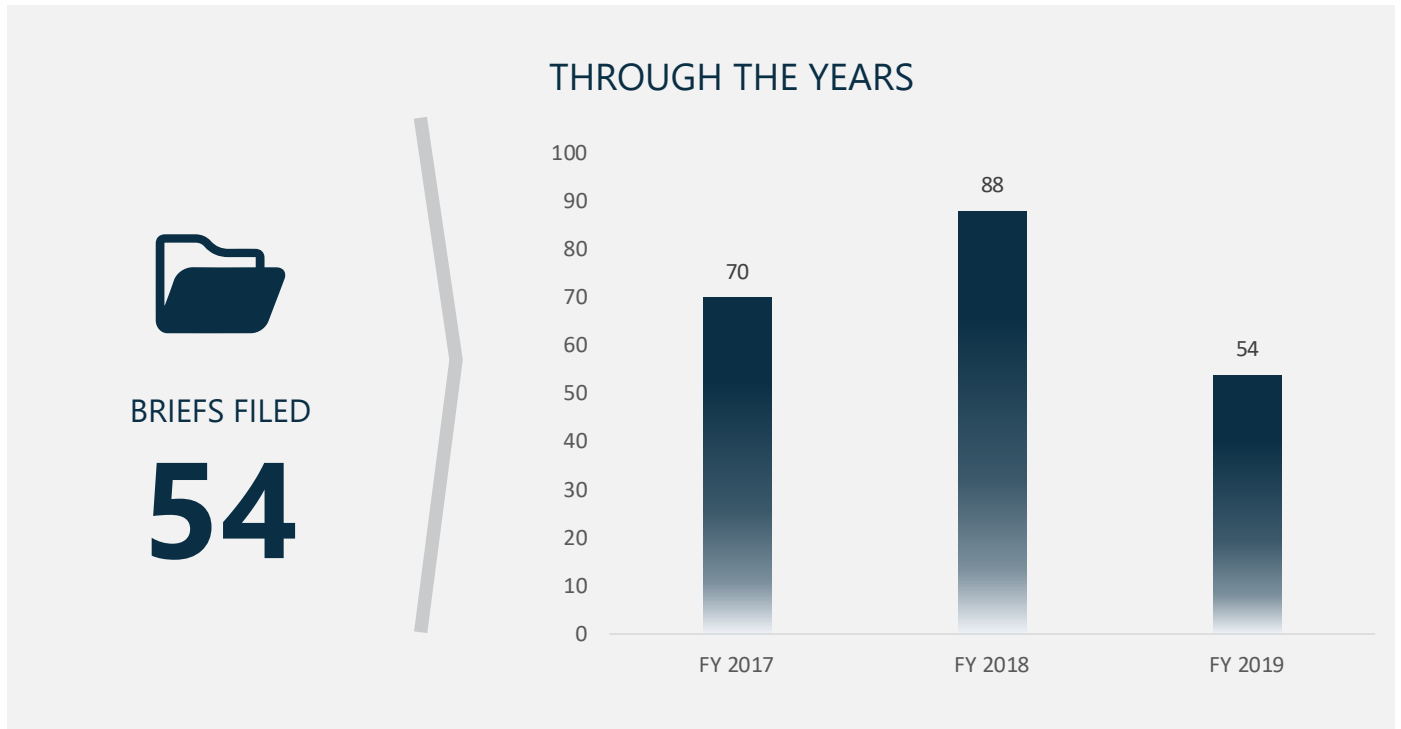
The division is divided into two sections: the Civil Appeals Section and the Litigation Appeals Section. The Civil Appeals Section has four attorneys and handles civil appeals within the AGO. These appeals cover a wide variety of issues, including constitutional challenges, Native American law, administrative law, eminent domain, tax law, water law, education law, public lands, environmental law, and prisoner parole decisions, among others.

The Litigation Appeals Section has three attorneys and handles appeals from risk management-covered cases involving torts, civil rights, and employment claims against the state, other governmental entities, and their employees. These appeals not only present important legal questions; they also often pose significant financial risk for the state and its agencies.

On appeal, attorneys generally defend the lower court's decision, but can occasionally take appeals seeking to reverse adverse lower court decisions. The appellate attorneys are some of the few attorneys in the office that are required to play both offense and defense, each of which involve different skill sets. Done properly, most appeals take significant time, effort, and skill.

In addition to briefs (merit or amicus), attorneys may have to draft other substantive pleadings, and they participate in mediations when settling an appeal is in the state's best interest. In addition to preparing for their own oral arguments, attorneys spend significant time helping prepare their colleagues for oral argument by reviewing the briefs, discussing the issues, and acting as judges in moot courts.

BY THE NUMBERS



NOTABLE CASES

Steiner v. Tax Commission

The Civil Appeals Division successfully defended Utah income tax statutes against constitutional challenges, including an issue of first impression. The Steiners argued that Utah's income tax system violated the federal constitution's (foreign and domestic) dormant Commerce Clause because Utah (1) taxes income derived from states that do not impose their own income tax, and (2) does not give a credit for income taxes paid in foreign/international jurisdictions. The Utah Supreme Court rejected both arguments and upheld Utah's income tax system.

Richards v. Cox

The Civil Appeals Division successfully defended Utah statute allowing partisan elections to become members of the State School Board. Various plaintiffs argued that the law violated the Utah Constitutional provision prohibiting using a partisan test as a condition of employment in the state's education system. The Utah Supreme Court accepted the Division's argument that State School Board members are not employed in the state's education system.

Count My Vote v. Cox

The Civil Appeals Division successfully defended Utah statutory requirements to place a citizen initiative on the ballot. The Count My Vote group argued that certain initiative requirements combined with provisions allowing for initiative petition signatories to withdraw their signatures/support placed an unconstitutional undue burden on the right to citizen initiatives. The Utah Supreme Court rejected these arguments under existing precedent and upheld the initiative statutes.

Grant v. Herbert

The Civil Appeals Division successfully defended HB 3001 (Utah Medical Cannabis Act) against various constitutional challenges. A group of pro se petitioners filed a petition for extraordinary writ in the Utah Supreme Court arguing, among other things, that (1) the Governor unconstitutionally vetoed a citizen initiative known as Prop. 2, and (2) constitutional and statutory provisions prohibiting referendums on legislation passed by 2/3 of the Legislature should not apply laws amending citizen initiatives.

A grayscale photograph of a classical building interior. The scene features large, fluted columns and a curved staircase in the foreground. The lighting is soft, creating a sense of depth and architectural grandeur. The text "This page intentionally left blank." is centered in the middle of the image.

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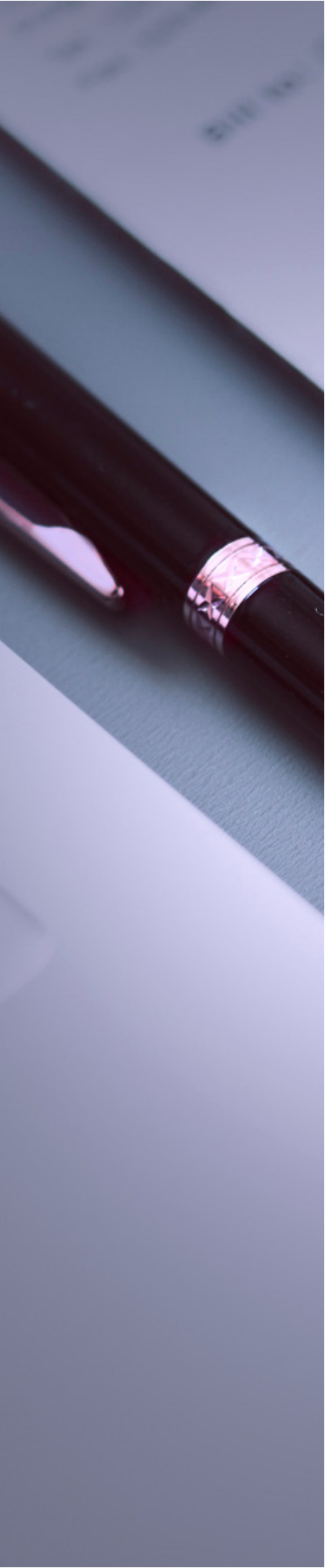




CIVIL DEPARTMENT

7 DIVISIONS

137 ATTORNEYS & 68 STAFF



STATE AGENCY COUNSEL

OVERVIEW

The State Agency Counsel Division acts as a catch-all for the Office of the Attorney General, handling work that doesn't fit within more narrowly-focused divisions.

LEGAL COUNSEL & SERVICES PROVIDED

The State Agency Counsel Division provides legal counsel and services for the following:

Corrections Section

- Board of Pardons and Parole
- Department of Corrections-Executive, Institutions and Adult Probation & Parole
- Sex and Kidnap Offender Registry
- Child Abuse Offender Registry
- Interstate Agreement on Detainers and Extradition
- Utah Commission on Criminal and Juvenile Justice
- Office of Medicaid Inspector General
- Office of Crime Victims
- Interstate Compact

Constitutional Offices & Executive Issues

- Lt. Governor
- Treasurer
- Department of Technology Services
- DTS Data Security Management Council
- Utah State Fair Corporation Board
- Olene Walker Housing Loan Fund Board
- Private Activity Bond Board
- State Homeless Coordinating Committee
- Community Development Block Grant Policy Committee
- Veteran's Pro Bono Project (UDVMA)
- Governor's Office of Management & Budget
- Board of Examiners
- Motion Picture Advisory Commission/Utah Film Commission
- Native American Legislative Liaison Committee
- Native American Remains Review Committee
- Pete Suazo Boxing Commission

Legal counsel and Services Provided Cont.

- Governor's Rural Partnership Board
- STEM Activity Center Board
- Utah Capital Investment State Board (Fund of Funds)
- Legislative Compensation Commission
- Indian Affairs/litigation
- Utah National Guard
- State Armory Board
- Navajo Trust Fund
- Tourism Board
- Permanent Community Impact Board
- Native American Legislative Liaison Committee
- Utah Outdoor Recreation Grant Advisory Committee
- Quality Growth Commission
- Tobacco Settlement
- Governor's Office of Economic Development
- Business Development Board
- Governor's Economic Development Council
- USTAR
- USTAR Governing Authority
- Utah International Relations and Trade Commission
- DAS Risk Committee
- State Archives & Records Committee
- Purchasing
- Rules
- Finance
- Transparency Board
- Indigent Parental Defense Board
- Capital Indigent Defense Trust Fund Board
- Judicial Performance Evaluation Commission
- Fleet
- Surplus Property
- Division of Facilities and Construction Management
- Capitol Preservation Board
- State Building Board
- New Prison
- Utah Office of Energy Development
- Utah Energy Infrastructure Authority Board
- Utah Money Management Council
- OPEB Trust Fund
- State Institutional Trust Fund
- Utah Office of Debt Collection
- Workers' Classification Coordination Enforcement Council

State Agency Section

- State Auditor
- Department of Heritage and Arts (DHA)
 - Division of Arts and Museums
 - Utah Arts Council
 - Museum Services Advisory Board
 - Division of State History
 - State History Board
 - Division of State Library
 - State Library Board
 - Martin Luther King Jr. Human Rights Commission
 - Multicultural Commission
- Utah Commission on Service and Volunteerism
- Labor-Uninsured Employer's Fund
- Labor-Industrial Accidents Division
- Labor-Occupational Health and Safety Division (OSHA)
- Labor-Utah Antidiscrimination & Labor Division
- Labor-Collections
- Utah Department of Alcoholic Beverage Control
- DABC Advisory Board
- Alcoholic Beverage Control Commission

Administrative Services Section

- Department of Administrative Services Executive Office (DAS)

Human Services Section

- Division of Services for People with Disabilities
- Utah State Developmental Center
- Division of Aging Services
- Utah Department of Human Services Executive Office
- Utah State Hospital
- Juvenile Justice Services
- Division of Licensing
- Office of the Public Guardian

In addition to serving these agencies, AGO attorneys specialize and advise on the following:

- Civil Prisoner Relief Petitions
- Civil Review Committee & Local Government
- Competency Issues
- Constitutional Issues
- Gambling Complaints
- GRAMA
- Notary Public Issues
- Public Ethics
- State Government Powers and Authority
- Trademarks
- Weatherization

BY THE NUMBERS

APPROXIMATE NUMBER OF ISSUES & CASES HANDLED



13,988

35% increase since 2018



APPROXIMATE TOTAL DOLLAR AMOUNTS AT ISSUE

\$21,071,104

NOTABLE CASES

The Disability Law Center

The Disability Law Center (DLC) filed a class action lawsuit against the Department of Health and the Department of Human Services/Division of Services for People with Disabilities alleging Olmstead violations. Specifically, plaintiffs alleged that persons with intellectual disabilities who reside in private intermediate care facilities (ICFs), who are Medicaid eligible, and who want to live in the community and receive home and community based services (HCBS), are not transitioned to HCBS in a reasonable time. The State was represented by Laura Thompson, Human Services Section Director of the State Agency Counsel Division; Tony Patterson, Environment and Health Division; and David Wolf, Constitutional Defense and Special Litigation Division Director and lead counsel in the case. The defense team successfully negotiated a settlement with DLC after jointly engaging the assistance of an expert to guide those talks. A settlement agreement was entered, after approvals by the Governor's Office and the Utah Legislature, but the private ICF community lodged over 100 objections to the settlement, citing it was not in the public's interest. A two-day evidentiary fairness hearing was held in

November and, ultimately, Judge Kimball agreed that the settlement was fair as required under Rule 23 of the Federal Rules of Civil Procedure, and that the settlement was not against the public interest. The State also secured funding during the 2019 Legislative Session to implement the settlement and to better the lives of more than 300 individuals with disabilities.

The Office of Public Guardian

The Office of Public Guardian (OPG) was ordered by a juvenile court judge to serve as "guardian ad litem" for a parent facing termination of parental rights. Amy Leach, State Agency Counsel Division/Human Services Section, for OPG, objected on the grounds that the statutes creating OPG and setting forth their legal mandates require OPG to consent to a court appointment as a guardian, among other provisions that do not include the type of representation ordered by the juvenile court. Stan Purser, Civil Appeals Division Director and lead counsel in the appeal, argued the matter to the Utah Supreme Court and obtained a decision that released OPG and remanded the matter back to the juvenile court to make a proper appointment.

EDUCATION

OVERVIEW

The Education Division provides legal counsel to the state's systems of public education and higher education, which consists of the State Board of Regents, the University of Utah, Utah State University, Weber State University, Utah Valley University, Southern Utah University, Dixie State University, Snow College, and Salt Lake Community College. Legal services provided to the colleges and universities vary from campus to campus, but are primarily focused on practicing preventative law, complying with state and federal statutes, and defending the institutions during internal hearings, including student conduct hearings, employee discipline matters, and tenure appeal hearings.

PUBLIC EDUCATION

In public education, the division provides legal counsel and guidance to the 15-member State Board of Education (USBE) and its committees, the State Superintendent and staff, the State Charter School Board, the School and Institutional Trust Lands Administration (SITLA) nominating committee, the Utah Schools for the Deaf and Blind (USDB), and the various departments, programs and boards associated with the USBE. In addition, the division provides counsel for state agencies under the direct control and supervision of the USBE.



Attorney General Reyes meets with Student Council members from Midway Elementary School.



RESPONSIBILITIES

- Represent state colleges and universities before the State Records Committee related to the disclosure of records
- Represent institutions—as well as student loans serviced and held by the Utah Higher Education Assistance Authority—in bankruptcy courts
- Represent and advise internal university matters and hearings (student code of conduct, appeals of denial of tenure, student rights, and employee discipline)
- Represent colleges and universities in bonding efforts

In addition, the division also handles delinquent student loan collection for the Utah Higher Education Assistance Authority.

LEGAL SERVICES PROVIDED

- Reviewing, drafting, and negotiating hundreds of grants, contracts, and procurements.
- Acting to ensure compliance with state and federal laws and regulations to properly conduct educational programs and implement educational policies.
- Providing legal representation during administrative hearings and for non-Risk covered litigation, including public teacher misconduct, civil rights, educational rights of indigent or immigrant families, Equal Employment Opportunity Commission (EEOC) and Utah Antidiscrimination and Labor Division (UALD) discrimination claims, sexual misconduct or sexual harassment, and student rights.

HIGHER EDUCATION

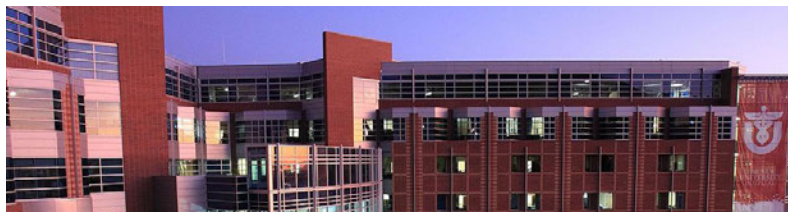
The division has eleven attorneys assigned to provide legal counsel and advice to each of the state's eight institutions of higher education; the Offices of the Commission of Higher Education; the Utah System of Technical Colleges and its eight separate college campuses; the Utah Higher Education Assistance Authority; the Utah Educational Savings Plan; and the Utah Education and Telehealth Network.



APPROX. MATTERS PER WEEK ADDRESSED
BY HIGHER ED. ATTORNEYS

200-250

309% increase since 2017



UNIVERSITY HOSPITALS & CLINICS

Insurance & Patient Collection

The division has two full-time attorneys assisting the University Hospitals and Clinics with this collection effort.

For the fourth quarter of 2018, the Attorney General's Office collected \$4 million from patients. From general insurance collection efforts, the amount was \$2 million. This amounts to about \$6 million in total.



PATIENT COLLECTION

\$4 MILLION



GENERAL INSURANCE COLLECTION

\$2 MILLION

NOTABLE CASES

UNIVERSITY OF UTAH

Administrative Appeal of Insurance Company's Denial of Coverage

A health care dispute with an insurance company that denied any responsibility involved a severely compromised patient with multiple comorbid illnesses, both medical and mental. She weighed about 500 pounds, was dangerously hostile and aggressive, required constant attention, and initially refused to participate in any mental health therapies. No alternative care facilities, in Utah or surrounding states, could be found to accept her. Atypical admission might last one to two weeks and generate 200-300 pages of medical records. She was hospitalized for approximately six months (with medical records of over 4,000 pages), until an alternative step-down facility could finally be arranged. The division initiated an administrative appeal against the insurance company, and prepared for the possibility of years of appeals, but within several months the division was able to negotiate a settlement from the insurance company of approximately \$100,000, with which the client agency was pleased.

Charitable Trust Actions

Two separate, unrelated matters involving charitable gifts to public institutions illustrate the division's asserting the Attorney General's statutory and common law responsibility to protect such gifts.

One of the Departments at the University of Utah proposed dividing up the funding that came from a charitable gift (trust) for an endowed professorial academic chair to instead be used to fund a junior faculty member to encourage him to stay. No heirs of the original donor could be found to comment on this proposal. This was presented to the division at the eleventh hour to confirm and ratify. Instead, the division analyzed the trust documents and existing funding and refused to allow this unjustified deviation from the trust pursuant to the authority of the Attorney General to protect such gifts.

Not long after that experience, the AGO was approached by the University of Utah with another charitable gift issue where the circumstances had substantially changed in the intervening 45 years such that a proposed substitute trustee was unable to meet the wishes and intent of the original gift. Discussions with the heirs, trustees, and other interested parties resulted in a mutually acceptable termination of the original trust with funding going to a charitable foundation under the terms of the original gift. The division obtained a court approval for this action which will likely result in a four-fold increase in the benefits going to the institution and ultimately to the student beneficiaries. All interested parties agreed or acquiesced in this arrangement.

NOTABLE CASES *cont.*

UNIVERSITY HOSPITALS & CLINICS

Anderson v. University of Utah Hospital.

An ERISA (employee-funded) health plan filed a complaint for declaratory judgment in federal court against the hospital. The plaintiffs claimed that the Utah Hospital Lien law was preempted by ERISA thereby making the hospital's lien against a certain patient invalid. This case had the potential to affect every hospital in the state as many health plans are governed by ERISA and using the lien law to recover is very common. The Hospital settled the case with the plaintiff and the patient, who intervened. The settlement included a dismissal of all of the plaintiffs' claims against the hospital while still recovering a portion of available insurance funds under the lien.

University of Utah Hospital v. Brigham City

A high-ranking Brigham City police officer died in the line of duty subsequent to a strenuous

SWAT qualification. The officer was ultimately brought to University of Utah Hospital in an effort to save his life. The officer passed away at the hospital. Both the health insurer and worker's compensation insurer denied the hospital's claims for reimbursement. The worker's compensation carrier also denied the surviving spouse's death benefits. The hospital brought an action before the Utah Labor Commission to recover payment from the worker's compensation carrier. The action was consolidated with the surviving spouse's action to recover death benefits. The health insurer threatened to intervene in the consolidated action. The issue in the case was medical causation. At mediation between all of the aforementioned parties, the hospital was successful in recovering monies from both the worker's compensation carrier and the health insurer. The surviving spouse recovered a settlement for attorney's fees and death benefits.

UTAH STATE BOARD OF EDUCATION

Development and Training for School Districts and Charter Schools Statewide

The public education attorneys in the Education Division worked with Risk Management and the Litigation Section to implement HB 391 Governmental Immunity Provisions by developing training and a model policy to be used by school districts and charter schools statewide. They also supported Risk Management in providing a state-wide symposium on Title IX by developing and presenting training and guidance for Local Education Authority (LEA) response to Office of Civil Rights (OCR) investigations of Title IX violations in athletic facilities and programs.

Charter School Task Force and Professional Practices Task Force

The public education attorneys in the Education Division staffed and provided legal counsel to the Utah Professional Practices Advisory Commission (UPPAC) Task Force and the Charter School Task Force. They coordinated with the facilitators and provided legal research and support for USBE leadership and the diverse task force members, which included state legislators, educators, school district superintendents, local board members, USBE board members, and other education administrators and officials. Both task forces met for many hours over a period of months, and they produced a set of recommendations for the USBE and for the legislature to consider in making policy and legal changes relative to UPPAC and Utah's charter school system.

LITIGATION

OVERVIEW

The Division's 27 attorneys and 12 paralegals work in three different practice groups, or sections: employment, civil rights, and torts. In addition, three appellate attorneys from the Civil Appeals Division are dedicated to handling appeals of cases in the Litigation Division. Attorneys exercise independent, professional judgment and render candid advice, referring not only to the law but also to moral, economic, social, and political considerations relevant to the individual client's situation. The division handles some of the most important and highest profile cases in the state.

LAWSUITS

In 2019, the Division closed 159 of 283 lawsuits. These closed cases were either settled, dismissed on motion before trial, or tried to a jury or judge in federal or state court or before an administrative body. Each of these cases demanded money from the state or state agencies, either a specific dollar amount or "reasonable damages." In 2019, the Litigation Division received 206 new cases, 210 Notices of Claims and assisted in screening 244 pre-suit employment matters.

The Division's focus is on resolving litigation as efficiently and effectively as possible. To that end, the attorneys in the Division are highly-trained, experienced litigators who are experts in civil rights, employment, and complex tort litigation.

BY THE NUMBERS



ACTIVE CASES
(TRIAL LEVEL & APPEAL)

173



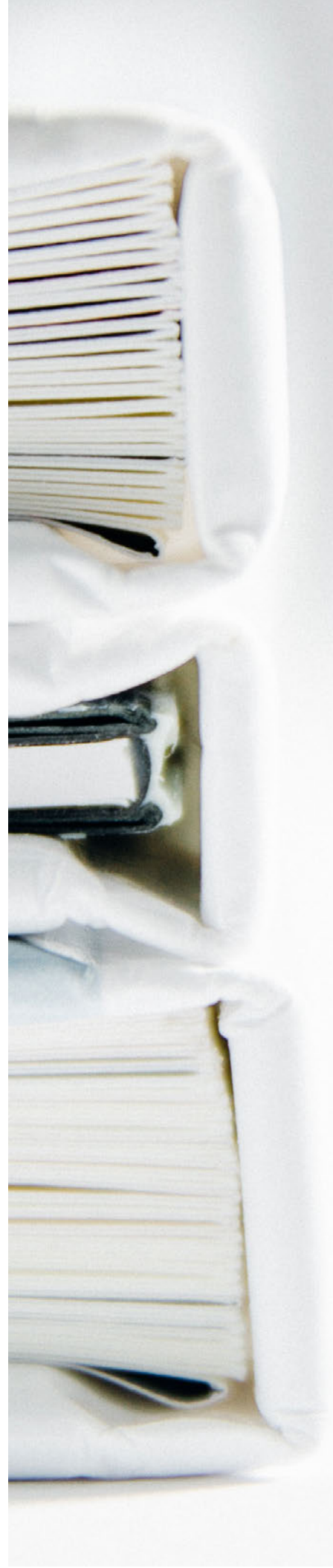
CLOSED CASES

159



NOTICE OF CLAIMS

210

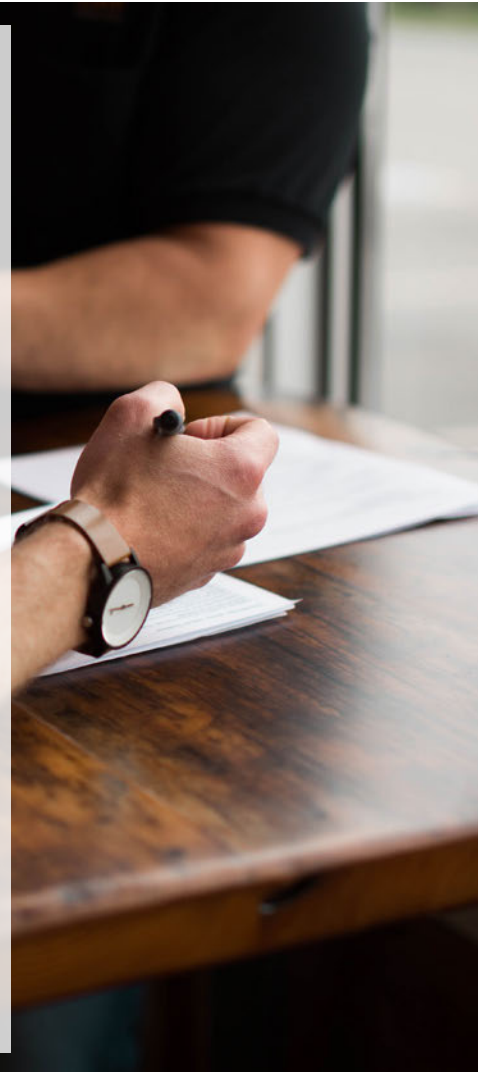


SECTIONS

The Civil Rights Section deals with lawsuits claiming monetary damages for constitutional and statutory civil rights violations, such as free speech, religious freedom, and establishment claims, as well as search and seizure, due process, cruel and unusual punishment, equal protection, ADA, and Title IX.

Attorneys in the Employment Section specialize in defending state agencies, higher education, and school districts who are sued by present and former public employees claiming wrongful termination or other job-related mistreatment under numerous federal and state laws including Title VII, Title IX, Utah's Whistleblower Act, Utah's Antidiscrimination Act, OSHA, and the ADA. The attorneys also regularly advise these state entities when they are contemplating adverse employment actions.

The Torts Section handles lawsuits involving catastrophic bodily and emotional injury, property damage, and other personal loss allegedly caused by state employees' negligence. As mandated by recent legislation, the torts section took on UTA's tort cases, which include accidents with UTA buses, TRAX, and Frontrunner. UTA has recently announced that since moving its legal work to the Attorney General's Office, it has saved \$740,000 in legal costs. The torts section has contributed significantly to that savings by handling UTA's accident cases.



OTHER MATTERS

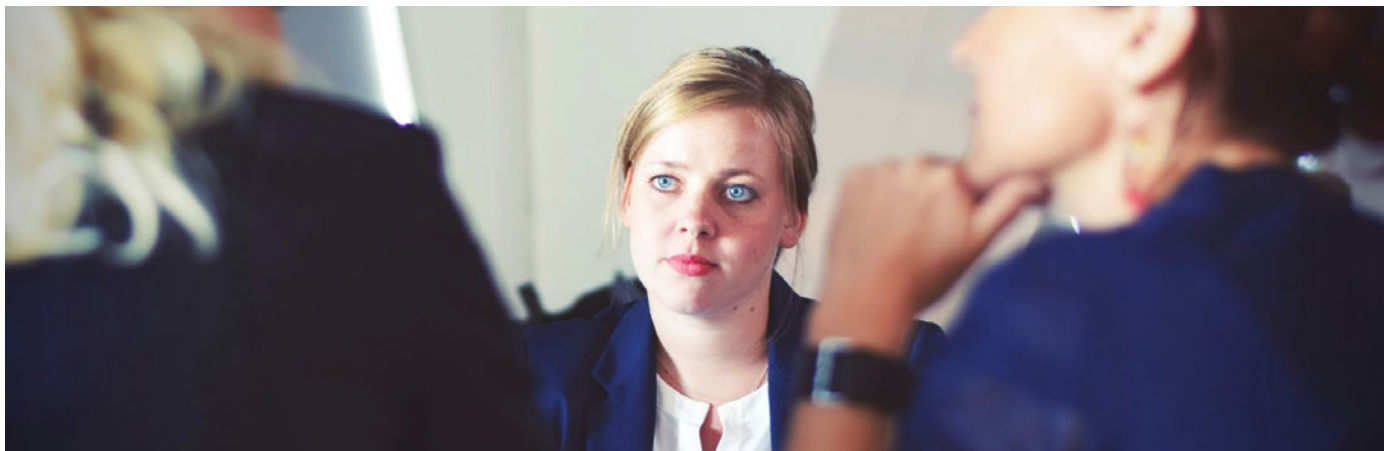
While litigation is the focus, the Division is also involved in other important activities, including:

Early Intervention in Employment Matters.

Employment attorneys advise state agencies that are considering whether to discipline or terminate an employee. This advice helps agencies to avoid exposure if the employee later sues the state. Recently the Utah Division of Risk Management, the Division's client agency which insures the State, has recognized the value of early intervention in employment matters and has decided to cover the costs of early intervention for state agencies. In addition, Risk Management began on July 1, 2018 to cover school district, college, and university employment actions at the agency (pre-lawsuit) level. Risk has already seen a 15% decline in employment claims and a 59% decrease in employment claim costs.

Participation in Professional Activities.

Attorneys in the Litigation Division actively participate in a number of professional legal organizations in the state, enhancing the reputation and presence of state attorneys in the legal profession and contributing to the development of the law. Division attorneys professional activities include: president elect of the Utah Defense Lawyers Association; member of Utah Federal District Court local rules committee; member of the Utah Supreme Court Advisory Committee for the Utah Rules of Professional Conduct; Secretary of the Civil Rights Section of the Federal Bar Association; Co-Chair of the Utah State Bar Governmental Relations Committee; and Chair of the Utah State Bar's Appellate Practice Section.



NOTABLE CASES

Watkins v. Jordan School District

The mother of an elementary school child with diabetes sued Jordan School District claiming the district failed to provide an adequate ADA accommodation for her son. The child requested that he be permitted to bring pre-filled, unlabeled syringes containing home-diluted insulin to school. The District agreed to permit the child to bring syringes containing diluted insulin to school provided the insulin was diluted by a pharmacist and provided that the syringes were labeled. The mother refused this accommodation and claims the school has violated the ADA and the Federal Constitution.

Gomez v. O’Gwin

Joseph Gomez sued his former parole officer Andrew O’Gwin for a Fourth Amendment violation. Gomez alleges he was the passenger of a vehicle stopped at a red light when an ember from his cigarette fell in his lap and burned him. Gomez claims he jumped out of the car to brush the ember off and was shot by O’Gwin, who was also stopped at the light in the car next to Gomez. O’Gwin claims that Gomez got out of the car and began attacking O’Gwin’s car. Fearing for his life, O’Gwin shot Gomez. There is no video footage of the events and the facts rely on eyewitness testimony. Trial is anticipated next year.

GeoMetWatch v. Utah State University Research Foundation, et al. GeoMetWatch (GMW)

GMW alleged that the Utah State University Research Foundation (USURF), the Utah State University Advanced Weather System Foundation, and several of

USU’s current and former employees conspired with a venture capitalist Alan Hall to steal GMW’s trade secrets for development of a cutting-edge weather sensing and satellite technology that was invented by USURF. The case involved more than 500,000 documents and demanded millions of dollars in damages. Before trial, the court granted Defendants’ motions for summary judgment and dismissed all claims against USURF and the other Defendants, except for a state law breach of contract claim. GMW has filed that claim in state court and appealed the court’s dismissal of the other claims.

Gordon v. Jordan School District, et al.

Brent Gordon—father of Samantha (Sam) Gordon, the nationally known girls tackle football phenom—and other parents have sued several local school districts claiming the districts are violating Title IX and the Federal Constitution by not offering girls tackle football in their high schools. Since the lawsuit was filed, the districts have surveyed female students to determine their interest in participating in various sports, including girls-only tackle football. The districts are also working with the Utah High School Athletics Association—also being sued in the case—to create an emerging sports policy to grow opportunities for female student athletes. The districts recently filed a brief arguing that the case should be dismissed as they are not in violation of either Title IX or the Equal Protection Clause of the constitution. A ruling is expected on the case in 2020.



NATURAL RESOURCES

OVERVIEW

The Natural Resources Division provides general legal and litigation support to the Utah Department of Natural Resources (DNR) and its divisions: Forestry, Fire & State Lands; Oil, Gas & Mining; Parks & Recreation; Water Resources; Water Rights; Wildlife Resources; and Utah Geological Survey. The division also represents and supports the Public Lands Policy Coordination Office (PLPCO), the Constitutional Defense Council (CDC), and the Utah Department of Agriculture and Food (UDAF) in the protection, preservation, development, use, stewardship, and conservation of the State public lands, roads, natural resources, and agricultural resources. Two UDAF attorneys and a paralegal were added to the division on August 1, 2019 and are co-located with their clients at the UDAF building representing UDAF and its seven divisions and 25 boards and commissions.

Division attorneys maintain specific expertise in the fields of water rights, oil and gas, public lands, sovereign lands, public roads, public recreation, wildlife, fire suppression cost-recovery, endangered species, Native American law, medical cannabis, and various aspects of agriculture law.

WORKLOAD

The attorneys in the division devote substantial time acting as in-house counsel and engaging in "advise-and-consent" practices and transactional work. As such, counting the number of cases they handle alone does not provide a complete picture of their workload and productivity. Their work is critical to the client agency's efficient operations, fulfillment of statutory mandates, compliance with state and federal laws in areas of complex regulation, and litigation avoidance. The division does not measure success by the number of cases litigated or won, but by the number of cases that never happen because of its attorneys consistently participating in client decision-making, providing sound legal advice, and creating trust between attorney and client. The product of these relationships is incalculable in saving the state funds and resources that would otherwise be required to litigate disputes. Any analysis of attorney workload and productivity must consider the array of legal tasks performed and the fact that many cases often drag on for years.

RESPONSIBILITIES

- Protecting Utah's interstate water allocations and providing litigation support for the general adjudication of water rights in Utah
- Determining rights-of-way across federal lands and litigating with the United States to determine ownership and maintain uses of land
- Overseeing ownership of and access to lands and waterways for recreational uses
- Conserving sensitive wildlife species and ensuring that the decisions under the federal Endangered Species Act are appropriate
- Preserving the State's sovereign authority to manage wildlife resources on private and public lands within its borders
- Negotiating with the United States and Native American tribes to resolve reserved water right claims for federal reservations
- Assuring all requirements are met to allow appropriate development of lands for extraction of mineral, oil, and gas resources
- Assuring the State's agricultural interests are enhanced and safeguarded consistent with statutory directive and necessary regulations
- Assuring the State medical cannabis program satisfies legislative directive

OIL, GAS & MINING AND FORESTRY, FIRE & STATE LANDS



OVERVIEW

Six of the attorneys and a paralegal are co-located with their clients at the Department of Natural Resources Building and represent four agencies: the Utah Division of Oil, Gas & Mining; Utah Board of Oil, Gas & Mining; Division of Forestry, Fire & State Lands (FFSL); and Division of Wildlife Resources (including acting as administrative law judges in hunting and fishing license suspension hearings).

RESPONSIBILITIES

OIL, GAS & MINING

Oil, Gas, Coal, and Hardrock Mine Permitting

- Advise the agency and board in connection with a host of regulatory and permitting matters for hundreds of oil and gas wells annually.
- Represent the agency and board in about 30 formal trial-type hearings per year to authorize oil and gas development projects statewide.
- Represent the agency in connection with permitting, bonding, and reclamation activities for coal and hardrock mines statewide.

Oil, Gas, and Mining-Related Litigation

- Defend the decisions of the agency and board before Utah's courts when appealed.
- Participate in bankruptcy proceedings.
- Represent the state in disputes with the federal government regarding Utah's primacy over the regulation of coal mines and challenges to federal overreach in areas such as the regulation of fracking.

SOVEREIGN LAND

Sovereign Land Management, Leasing, and Permitting

- Assist with the leasing of sovereign lands (primarily near the Great Salt Lake), an action that generates approximately \$10 million in revenue annually.
- Help FFSL draft comprehensive management and mineral leasing plans for sovereign lands such as the Great Salt Lake, Utah Lake, Bear Lake, and the Colorado, Green, Bear, and Jordan Rivers. The division also advises FFSL in connection with the issuance of leases and permits.

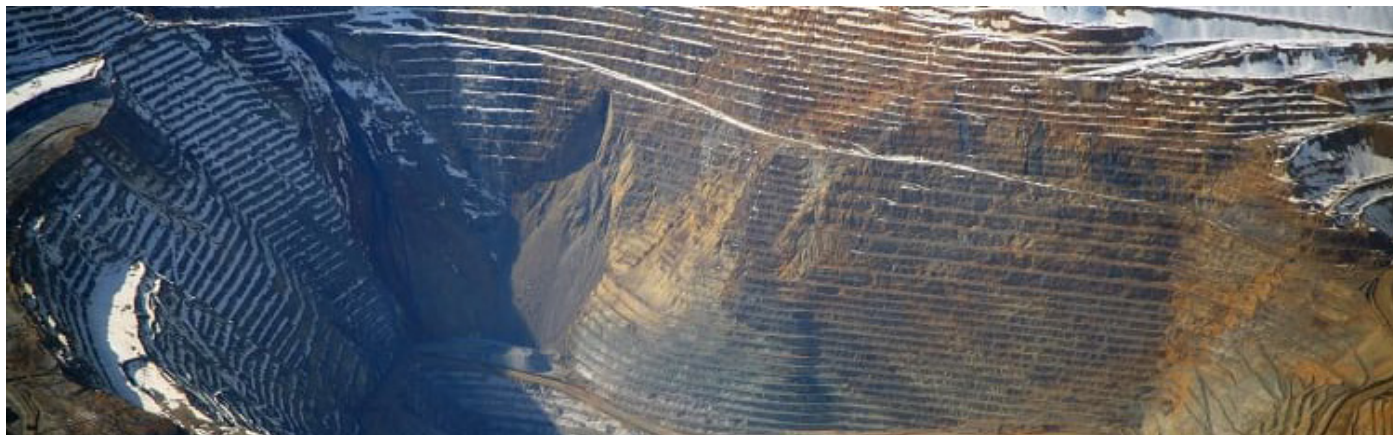
Sovereign Land Title and Boundary Litigation

- Represent FFSL in quiet title and boundary litigation concerning state-owned, submerged lands at the Great Salt Lake, Utah Lake, Bear Lake, and along the Colorado, Green, Bear, and Jordan Rivers. This litigation is frequently against the federal government and occurs on an ongoing basis as disputes arise.

WILDFIRE

Wildland Fire Litigation and Related Cost-Recovery Efforts

- Represent FFSL in seeking recovery of costs incurred in suppressing wildland fires. These efforts include litigating against those starting wildfires, pursuing federal FEMA funds on larger fires which require emergency/disaster response, and securing reimbursement from local governments for their share of wildland fire costs under the statutory framework established by the Legislature.



Oil, Gas & Mining **NOTABLE CASES**

Sawtooth Caverns LLC, Underground Storage Facility

In 2019, the Division of Oil, Gas & Mining (DOGM) permitted the expansion of Sawtooth Caverns LLC (Sawtooth) underground storage facility (Facility) near Delta, Utah. The Facility exists on top of a natural salt dome, a lava lamp-type bubble of salt several thousand feet below the surface. Sawtooth, in conjunction with Magnum Development LLC (Magnum), constructed several large storage caverns using underground solution mining technology. The caverns are purpose-built to store refined hydrocarbons. Each cavern is permitted to hold up to 2 million barrels (84,000,000 gallons) of a product. Prior to 2019, each cavern was only permitted to store natural gas liquids (NGLs). This past year, DOGM permitted Sawtooth to store other products, including gasoline, diesel, and jet fuel. Underground storage of gasoline, diesel and jet fuel in salt caverns had never been seen in Utah and required application of a unique body of delegated authority from the United States Environmental Protection Agency. Division counsel helped DOGM staff to understand the law so that Sawtooth could be permitted to conduct the underground storage activity while ensuring the delegated authority was properly applied. In addition to permitting the activity, Division counsel ensured bonding was increased from \$120,000 to just over \$1,000,000. Bringing this Facility online adds to Utah's unique energy landscape and demonstrates DOGM's willingness to solve novel engineering and resource issues.

Wellington Dry-Coal Cleaning Facility

Division counsel pursued this bond forfeiture matter for the Division of Oil, Gas & Mining (DOGM). The Wellington Dry-Coal Cleaning Facility (Facility) sits in the heart of coal country in Utah. When operating, the Facility separated high-grade coal from low-grade from several coal mines. In 2019, after the Operator, BRC Wellington LLC, became unresponsive to DOGM directives, Division counsel was asked to pursue the forfeiture matter. Counsel successfully obtained an Order from the Board of Oil, Gas & Mining forfeiting the Bond, totaling \$732,000, and may now use the funds to reclaim the Facility. Reclaiming the Facility fulfills DOGM's obligations, but it also enables Carbon County to put the area back to productive use.

Mineral Suspension Rulemaking

The Board of Oil, Gas & Mining (BOGM) approved a new rule governing the suspension of mining operations. This effort took most of the year and was concluded just as the year ended. This rule adds clarity to what must occur when a mine ceases production for an extended period of time. Adoption of the rule makes it easier for the Division of Oil, Gas & Mining to address mines that are in prolonged suspension and do not have an active presence on site.



WATER, WILDLIFE & PARKS

The six attorneys and a paralegal in this section, co-located with their clients at the DNR Building, perform diverse legal tasks including civil and administrative adjudication cases relating to water, wildlife, and parks. Transactional work includes participating in complex, multi-million dollar real estate agreements; drafting and reviewing contracts, from the routine to the highly complex; reviewing high-profile listing decisions such as the Mexican wolf, sage-grouse, and Utah prairie dog under the Endangered Species Act; remediating natural resource damages caused by unlawful contaminant releases; allocating responsible use of natural resources; protecting natural resources from unlawful use; resisting federal encroachment on State sovereignty over its natural resources; guiding development of large-scale water projects, such as the Lake Powell Pipeline; enforcing water rights and participating in water right adjudications; equitably allocating water resources; responding to GRAMA requests; and much more.

The attorneys representing the State Engineer's Office in the general adjudication program participate in the monumental task of determining thousands of water rights in different areas of the state. Other attorneys in the division work to protect the state's interests in interstate waters such as the Colorado River; to minimize the impact of the quantification of federal reserved water rights such as for national parks and monuments and Indian reservations; and to promote water project construction. In addition to legal counsel and transactional work, each attorney also represents

his or her client agency in civil and administrative adjudication matters and contract litigation. Over the past few years, the six attorneys representing the Department of Natural Resources, Division of Water Rights, Division of Water Resources, Division of Parks and Recreation, and Division of Wildlife Resources collectively litigated dozens of civil cases, handled multiple cases in appellate courts, and participated in significantly more administrative adjudications.

NOTABLE CASE

Department of Wildlife Resources Cases

Mineral Mountains Bighorn Sheep

The Division was able to successfully establish the Mineral Mountains bighorn sheep herd. This has been a multi-year effort that involved:

1. the passage of a new statewide management plan;
2. negotiating Memorandums of Understanding with federal land management partners (USFS and BLM), Dept. of Agriculture and Food, and staff from the Governor's Office; and
3. updating administrative rules to create a permitting process for sheep grazers to lethally remove a bighorn sheep that may come in contact with domestic sheep and create a disease risk.

In October 2019 DWR released 51 bighorn sheep that were captured from a disease-free herd in Nevada and released them on the Mineral Mountains. A news release can be found at <https://wildlife.utah.gov/>.



Water Rights Adjudication NOTABLE CASES

EnerVest v. Utah State Engineer

After receiving a decision from the Utah Supreme Court that would have made appealing a decision in an adjudication difficult, Division attorneys sought a petition for rehearing. They successfully persuaded the Court to remove a paragraph in the decision that would have deferred finality in water right adjudications until the end of the entire proceeding, which could take twenty years or more. By convincing the Court to amend its decision, water users can rely on the rulings of the court in making investments and decisions with their property rights.

Bear River Club and Bear River Bird Refuge Objections

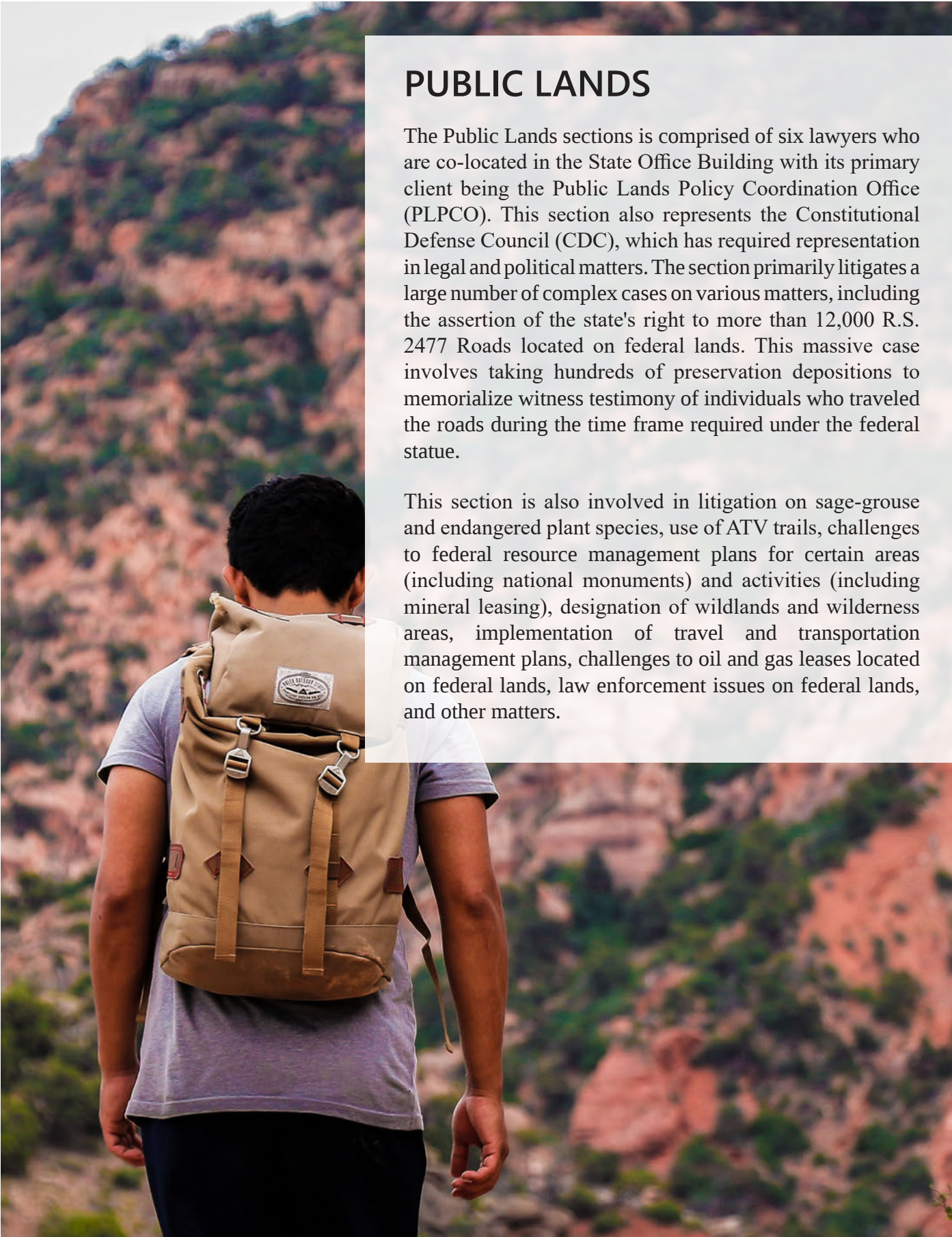
Division attorneys and State officials successfully negotiated a settlement with the Bear River Club and the United States Fish and Wildlife Service that resolves challenges to the Bear River Club's water rights. The settlement was served on potentially affected parties and was, without objection, approved by the Court. Resolving this long-simmering dispute on the lower Bear River brings the State closer to obtaining a decree for all water rights on the Bear River.

Red Butte Creek USFS Reserved Water Right Settlement

Division attorneys and State officials successfully negotiated a settlement with the United States and Salt Lake City to quantify the United States Forest Service (USFS) reserved water right claims in the Red Butte Creek Subdivision. The claims for over 1,900 acre-feet of water were negotiated down to 1 acre-foot of water, representing a positive outcome for the State. This settlement still must be served on affected water users and approved by the adjudication court. They are hopeful this agreement can serve as a starting point for other reserved rights agreements with the USFS in the Wasatch Mountains.

Special Master Appointed in the Virgin River General Adjudication

Building on the successful model of appointing a special master in the Utah Lake and Jordan River General Adjudication, Division attorneys sought and obtained the appointment of the same special master in the Virgin River General Adjudication. With the continued legislative funding and support for the special master and the general adjudication process, the attorneys can continue this successful model in our rapidly growing southwestern corner of the state.

A person with dark hair, seen from behind, wearing a grey t-shirt and a tan backpack, stands on a trail looking out over a vast desert landscape. The terrain is characterized by reddish-brown soil and sparse green shrubs. In the background, a steep, rocky hillside rises, also covered in similar vegetation. The sky is a pale, hazy blue. The person's backpack has a small, circular logo on the upper left side.

PUBLIC LANDS

The Public Lands section is comprised of six lawyers who are co-located in the State Office Building with its primary client being the Public Lands Policy Coordination Office (PLPCO). This section also represents the Constitutional Defense Council (CDC), which has required representation in legal and political matters. The section primarily litigates a large number of complex cases on various matters, including the assertion of the state's right to more than 12,000 R.S. 2477 Roads located on federal lands. This massive case involves taking hundreds of preservation depositions to memorialize witness testimony of individuals who traveled the roads during the time frame required under the federal statute.

This section is also involved in litigation on sage-grouse and endangered plant species, use of ATV trails, challenges to federal resource management plans for certain areas (including national monuments) and activities (including mineral leasing), designation of wildlands and wilderness areas, implementation of travel and transportation management plans, challenges to oil and gas leases located on federal lands, law enforcement issues on federal lands, and other matters.

NOTABLE CASE

R.S. 2477 Litigation

After defending many motions to delay and taking a lengthy detour to the Utah Supreme Court, trial has now been set for the “bellwether” R.S. 2477 roads. Before the issue could go to trial, it was necessary for the Supreme Court to weigh-in on an issue of law certified by the federal court regarding the application and construction of a state statute of limitations statutory provision. This bellwether trial will determine title to 15 roads selected by the parties to exemplify important R.S. 2477 issues and allow the court to make decisions on those issues as they relate to the determination of title to R.S. 2477 rights-of-way

throughout the State. Those decisions will then likely be appealed to the 10th Circuit to establish standards and precedent for the determination of R.S. 2477 title going forward.

While the bellwether actions were ongoing, the attorneys in the AGO’s Public Lands Section continued to take preservation depositions in the other 22 pending R.S. 2477 cases. This involved over 500 preservation depositions. It is crucial that the testimony of witnesses who have first-hand knowledge of the roads prior to 1976 be preserved.

BY THE NUMBERS



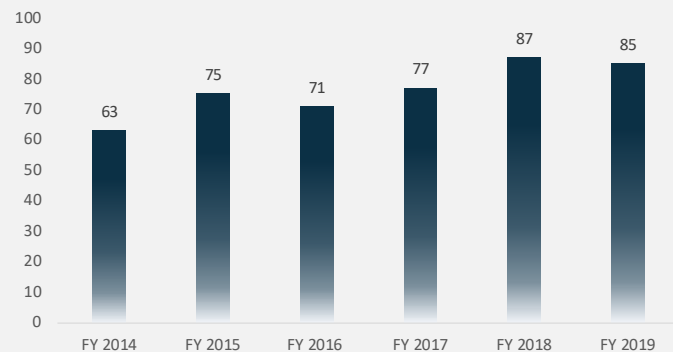
CASES IN LITIGATION

85

10% increase since 2017

THROUGH THE YEARS

Cases in Litigation



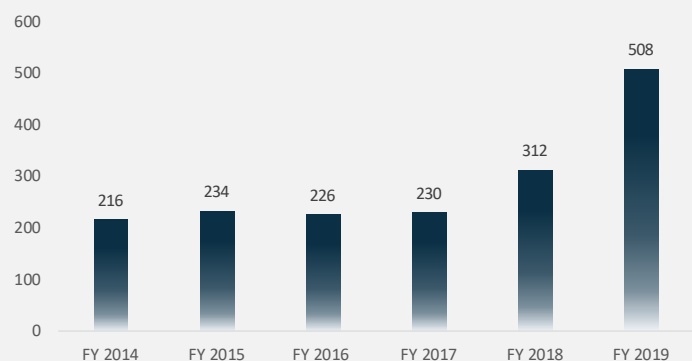
ADMINISTRATIVE MATTERS

508

121% increase since 2017

THROUGH THE YEARS

Administrative Hearings





ENVIRONMENT & HEALTH

ENVIRONMENT

OVERVIEW

The Environment Section of the Attorney General's Office provides legal representation to all five divisions of the Utah Department of Environmental Quality (DEQ): Division of Water Quality, Division of Air Quality, Division of Waste Management and Radiation Control, Division of Drinking Water, and Division of Environmental Response and Remediation.

RESPONSIBILITIES

- Writing and implementing environmental regulations as well as providing legal support in rule-making, record requests, and legislative requests
- Interpreting, administering, and enforcing permits issued to regulated facilities
- Participating in administrative hearings, adjudicative proceedings, civil litigation, and appeals before state and federal courts
- Working with the AG Investigations Division to investigate and prosecute environmental crimes throughout the state
- Providing counsel to the Natural Resource Damages Trustee appointed by the Governor and to four regulatory boards: the Utah Air Quality Board, the Utah Water Quality Board, the Utah Waste Management and Radiation Control Board, and the Utah Drinking Water Board



HEALTH

OVERVIEW

The Health Section of the Attorney General's Office represents the Utah Department of Health (UDOH) in Medicaid hearings, licensing, and other administrative proceedings.

RESPONSIBILITIES

- Advising and assisting the UDOH with promulgating its rules and regulations
- Reviewing contracts and agreements with local health departments and other agencies
- Coordinating health care through Medicaid Managed Care Organizations (MCOs)
- Assisting with HIPAA/HITECH (privacy and security records) compliance
- Conducting formal and informal hearings regarding managed care and judicial appeals of administrative decisions
- Providing representation in such recent matters as implementation of medical marijuana legislation and in litigation surrounding same-sex couple marriages, birth certificates, and adoptions
- Advising a variety of boards and committees in UDOH
- Representing the Medical Examiner's Office, State Lab, and the licensing of ambulance services (air and ground) and health care facilities (hospitals, nursing homes, assisted living facilities, etc.)



NOTABLE CASES

ENVIRONMENT

Connie Nakahara, an AAG in the Environment Section of the AGO, was recently included in the 2019 Governor's Award for Excellence given to the Department of Environmental Quality's Division of Air Quality. The award was given in recognition for the Division's work in implementing NOX emissions offset mitigation projects under the Volkswagen diesel emissions settlement. In addition, Connie's work in air quality matters generally, and the Volkswagen settlement in particular, has been recognized and acknowledged by the Division of Air Quality.

HEALTH

Vaping Matter

In early October 2019, due to an outbreak of vaping related illnesses and one death in Utah during the summer/fall, UDOH promulgated Utah Admin. Code Emergency Rule R384-418 which banned the sale of flavored vape from general tobacco retail stores. Flavored vape could still be sold at Tobacco Specialty stores which restricted access to minors. Also, all stores selling vape products had to post a sign warning against vaping street vape containing THC.

Some general tobacco retailers filed suit and then, on

October 28, 2019, successfully obtained a TRO. This action seeking a TRO received a lot of press coverage. In ruling for the general tobacco retailers, Judge Kelly held that UDOH did not show an imminent peril existed justifying the emergency rule and that the plaintiffs would have irreparable harm.

Due to Judge Kelly's decision, in early November 2019, UDOH stipulated to a preliminary injunction to be effective until January 29, 2020, when the emergency rule would terminate by operation of law. The stipulation also stayed the case until March 5, 2020, when there will be a status conference on any remaining issues.

Ambulance Licenses

The Utah Department of Health regulates ambulance licenses. West Jordan City filed a Writ of Extraordinary Mandamus against UDOH in January 2019 alleging a failure to timely comply with required administrative procedures in the regulation of a new ambulance license application. The AGO argued that the Department was compliant, and the City filed an amended Writ alleging new allegations. The AGO successfully argued that the Department was fully compliant with all requirements and the Writ was dismissed with prejudice on November 15, 2019.

BY THE NUMBERS

ENVIRONMENT



LITIGATION

27

108% increase since 2017



NOTICES OF
VIOLATION/SCO's

185

612% increase since 2017



ADMINISTRATIVE CASES

18

HEALTH



RULE MAKING

173



CONTRACTS & GRANTS

3,461



AGENCY REVIEWS

1,278



HIGHWAYS & UTILITIES

OVERVIEW

The Highways & Utilities Division represents and provides legal advice to the Utah Department of Transportation in the following areas: eminent domain actions (condemnation), real estate transactions, leases, property valuation, property encroachments, right-of-way boundary and access disputes, easements (construction, access, utility, light, air and view), exactions and dedications, construction disputes, construction contracts, debarments and suspension of contractors, relocation assistance, billboards/outdoor advertising regulation, junkyard regulation, ski lifts/ropeway/tram regulation, rulemaking, and all aspects of motion and trial practice.

In addition, Highways & Utilities represents the Division of Public Utilities and the Office of Consumer Services to help ensure that public utilities only charge reasonable rates and provide efficient services.

The division also serves as agency counsel to the Utah Department of Public Safety on a variety of matters such as law enforcement, peace officer certification, driver licensing, criminal history records, fire prevention, emergency response, forensics, and highway safety.

Finally, the Division advises and represents the Utah Transit Authority in a variety of matters involving public transit including complex civil litigation, capital improvement projects, procurement, federal grant compliance, property acquisition and management, transit-oriented development partnerships, police operations, agreements for enhanced access to public transit by disadvantaged persons, and legal support for the Board of Trustees and its Local Advisory Council.



DEPARTMENT OF PUBLIC SAFETY (DPS)

NOTABLE SUCCESSES

- Assisted with DPS response to ruling in the Savely matter concerning asset forfeiture.
- Implemented enforcement actions involving new .05 limit on blood alcohol content.

BY THE NUMBERS



POST AGENCY
ACTIONS

51



POST FORMAL
HEARINGS

10



UTAH DEPARTMENT OF TRANSPORTATION (UDOT)

BY THE NUMBERS



NEW
CONDEMNATION
CASES

22



PENDING
CONDEMNATION
CASES

62



CONDEMNATION
CASES SETTLED/TRIED

29

NOTABLE SUCCESSES

- Obtained orders of occupancy for multiple time-sensitive highway projects including the \$450 million Technology Corridor project, the \$69 million Midvalley Highway project in Tooele County, the \$18 million Southern Parkway project in Washington County, and the \$10 million 5600 West Project in Salt Lake County.
- Coordinated the defense of a lawsuit that attempted to stop the \$610 million West Davis Corridor project.
- Resolved severance damage claim in excess of \$3 million on the 114th South project for an amount within Transportation Commission's authority (UDOT v. Carlson). (Burns).
- Briefed and argued multiple issues of first impression in the area of eminent domain in the appellate and district courts.

APPROXIMATE TOTAL DOLLAR AMOUNTS AT ISSUE

\$40,782,656



UTAH TRANSIT AUTHORITY (UTA)

NOTABLE SUCCESSES

- Successfully completed the transition to AGO providing legal services to UTA. Through the transition and reduction in reliance on outside counsel, the Division saved the client \$808,000 in their legal budget.
- Helped client resolve multi-million-dollar claim on Utah Valley University capital project.
- Helped resolve and brought to the UTA Board of Trustees for approval real estate settlements totaling approximately \$2 million.
- Resolved multi-million-dollar Hamblin relocation assistance claim through mediation.

BY THE NUMBERS



CONTRACTS/
AGREEMENTS

71



NON-LITIGATION
MATTERS

5



OTHER LITIGATION MATTERS

29



DRIVERS LICENCE DIVISION

BY THE NUMBERS



NEW CASES

111



CONTINUING CASES

118



CASES CLOSED

117

UTILITIES

NOTABLE SUCCESSES

- Provided legal support for the review of a multi-billion-dollar transmission and wind project.
- Prevailed in the appellate court on whether the Public Services Commission has the authority to impose interim rates when dealing with the energy balancing account.

IN PROGRESS

- Providing legal support for pending decertification of BYU Police Department.
- Coordinating with UDOT on Ute reservation boundary signage issues to assist larger negotiation efforts being handled by AGO in coordination with the Governor's Office.
- Providing legal support for the Dominion Energy general rate case, which is a complex and extensive review of the utility's business activities.

BANJO

Implemented contract with Banjo for pilot project to improve law enforcement response to child abduction situations. Currently working on opioid response module.

TAX, FINANCIAL SERVICES & ANTITRUST

OVERVIEW

The Tax, Financial Services & Antitrust Division of the Attorney General's Office provides legal representation to the Utah State Tax Commission, the Utah Insurance Department, and the Utah Department of Financial Institutions. The division also represents the State of Utah in the issuance of state and local governmental bonds and monitors the termination and modification of charitable trusts.

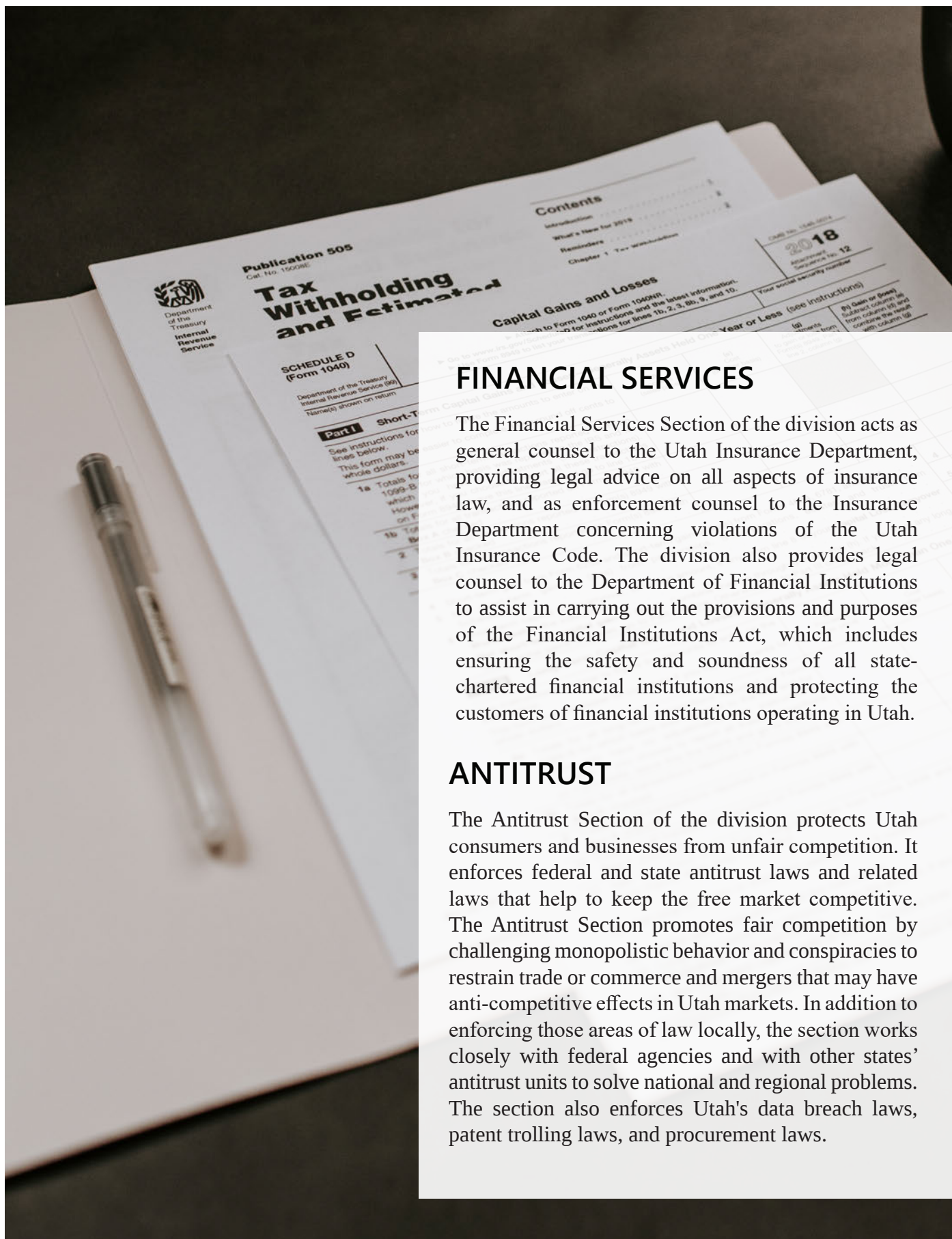
Attorneys in the Tax, Financial Services & Antitrust Division are actively involved in data breach investigations and continue to work with a task force of other states to determine violations of the Utah Consumer Credit Protection Act and Utah's Protection of Personal Information Act.

The division represents the state in tax litigation involving millions of dollars in sales, income, and other taxes, as well as providing legal representation on a large number of key property-assessment tax matters.

TAX

The Tax Section of the division represents the Utah State Tax Commission in administrative proceedings heard by the Tax Commission and in trial and appellate courts (if the Tax Commission's decisions are appealed) in the areas related to the following units of the Tax Commission: Auditing, which includes tobacco; Centrally Assessed Property Tax; Taxpayer Services, which includes payment, collection, and tax lien issues; Motor Vehicle Division; and the Motor Vehicle Enforcement Division, which primarily regulates automobile dealers and salespersons. The division also represents the Taxpayer Services Division in matters originating in State and Federal Court, including Federal Bankruptcy Court.





FINANCIAL SERVICES

The Financial Services Section of the division acts as general counsel to the Utah Insurance Department, providing legal advice on all aspects of insurance law, and as enforcement counsel to the Insurance Department concerning violations of the Utah Insurance Code. The division also provides legal counsel to the Department of Financial Institutions to assist in carrying out the provisions and purposes of the Financial Institutions Act, which includes ensuring the safety and soundness of all state-chartered financial institutions and protecting the customers of financial institutions operating in Utah.

ANTITRUST

The Antitrust Section of the division protects Utah consumers and businesses from unfair competition. It enforces federal and state antitrust laws and related laws that help to keep the free market competitive. The Antitrust Section promotes fair competition by challenging monopolistic behavior and conspiracies to restrain trade or commerce and mergers that may have anti-competitive effects in Utah markets. In addition to enforcing those areas of law locally, the section works closely with federal agencies and with other states' antitrust units to solve national and regional problems. The section also enforces Utah's data breach laws, patent trolling laws, and procurement laws.



NOTABLE SUCCESSES

Premera Blue Cross

On July 11, 2019, Utah Attorney General Sean D. Reyes and 29 other attorneys general settled a lawsuit with Premera Blue Cross, the largest health insurance company in the Northwest, over the company's failure to fix known security problems that exposed personal information of more than 10.4 million consumers nationwide, including approximately 50,000 Utahns, to a hacker. The states alleged that the company failed to meet its obligations under the federal Health Insurance Portability and Accountability Act (HIPAA) and the Utah Protection of Personal Information Act (UPPIA) by not addressing known cybersecurity vulnerabilities that gave a hacker unrestricted access to protected health information for almost a year. The settlement required Premera to pay \$10 million total to states. Premera is also required under the settlement to implement specific data security controls intended to protect personal health information, annually review its security practices, and provide data security reports to the attorneys general.

Equifax

On July 22, 2019, the Utah Attorney General announced a historic \$600 million nationwide settlement with Equifax concerning the 2017 Equifax data breach affecting more than 147 million Americans and more than 1.2 million Utahns. Attorneys general from all 50 states were included in the settlement. In addition to many other terms of the settlement, Equifax must reimburse affected consumers for up to \$20,000 for losses due to identity theft and resources spent in efforts to recover from the breach; provide affected consumers with free credit monitoring for 10 years; provide free Identity Theft Restoration services to all affected consumers; strengthen its data security practices to protect against another breach; and pay up to \$425 million into a settlement fund for affected consumers. Equifax was also required to pay \$175 million to the states, \$1,422,915.91 of which went to Utah.





CRIMINAL DEPARTMENT

7 DIVISIONS

106 ATTORNEYS, 42 AGENTS
& 92 STAFF



JUSTICE

OVERVIEW

The Justice Division is comprised of prosecutorial units working together with specialized investigative units in the areas of Criminal Non-Support (CNS), Internet Crimes Against Children (ICAC), the SECURE Strike Force, and the DEA/HIDTA Drug Prosecution Unit, as well as units servicing the Insurance Division, the Office of Recovery Services (ORS), and the Department of Workforce Services (DWS). The division includes a Special Prosecution Unit that handles or assists other jurisdictions on complex matters including public corruption; State RICO; identity theft; serious and violent felonies including murder, capital murder, child and elder abuse and exploitation; and asset forfeitures.

The division also manages and houses Identity Theft Central (formerly known as IRIS), the Utah Children's Justice Centers, the Victim's Assistance Program, and the Utah Prosecution Council.



VICTIM SERVICES

Critical to the AGO's efforts against crime is its support of victims of crime. Currently, the AGO has one Victim Coordinator for the thousands of cases it handles yearly.

The Victim Coordinator is tasked with ensuring the office complies with the Utah's Victims' Rights Statute. The coordinator also provides assistance and support to victims and staff during the investigation, prosecution, and appeals of a case.

The Victim Coordinator also provides assistance to victims on inactive cases, victims on cases not prosecuted by our office, and members of the general public with inquiries. In addition, the coordinator often provides assistance to potential victims and witnesses while our SECURE team investigators determine a party's specific role in the case. The coordinator also serves on the Utah Trafficking in Persons (UTIP) task force, acts as Co-Chair of the UTIP Youth Subcommittee, and provides quarterly reports for the UTIP grant.

The Victim Coordinator currently serves on the following local/state committees:

- Third District's Rights Committee
- National Crime Victims' Rights Week Committee
- Utah Coalition Against Sexual Assault Training Committee
- Salt Lake County Victim Advocate Committee
- Utah DPS SIAC (Interdiction for the Protection for Children-Certified Trainer)
- Human Trafficking Juvenile Working Group
- STOP VAWA (Violence Against Women Act) Implementation & Planning Committee

BY THE NUMBERS



VICTIMS & WITNESSES

557

1% increase since 2018



Active Trial Cases

312

4% increase since 2018

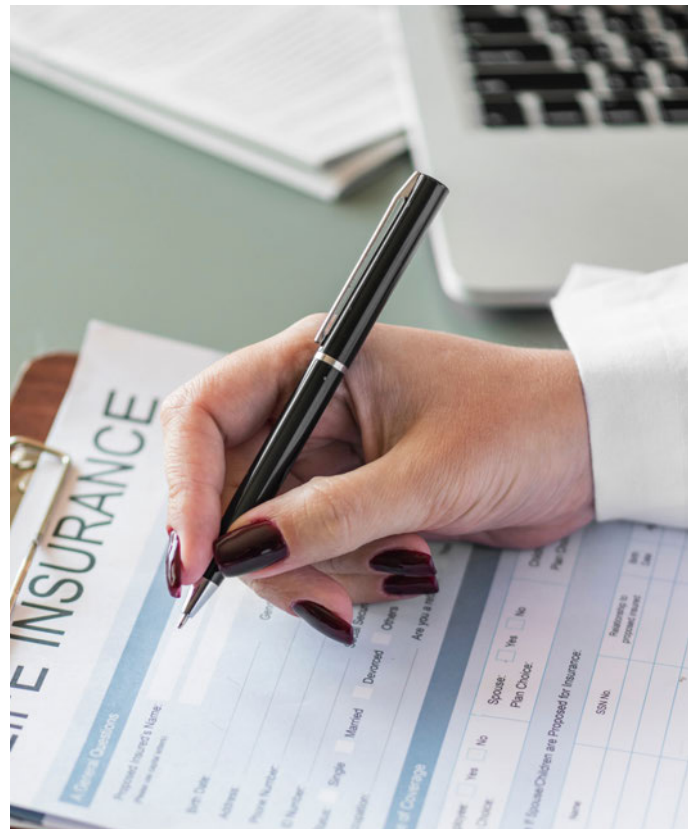
INSURANCE FRAUD

Insurance fraud occurs when individuals deceive an insurance company, agent, or other person to try to obtain money to which they are not entitled. It happens when someone puts false information on an insurance application and when false or misleading information is given or important information is omitted in an insurance transaction or claim.

Insurance fraud is committed by individuals from all walks of life.

The Insurance Fraud Division (IFD) has prosecuted doctors, lawyers, chiropractors, car salesmen, insurance agents and other persons in positions of trust.

Anyone who seeks to benefit from insurance with inflated or false claims of loss or injury commits insurance fraud.



BY THE NUMBERS



INSURANCE FRAUD
INCIDENTS

115

4% increase since 2017



CHARGES FILED

224

184% increase since 2017

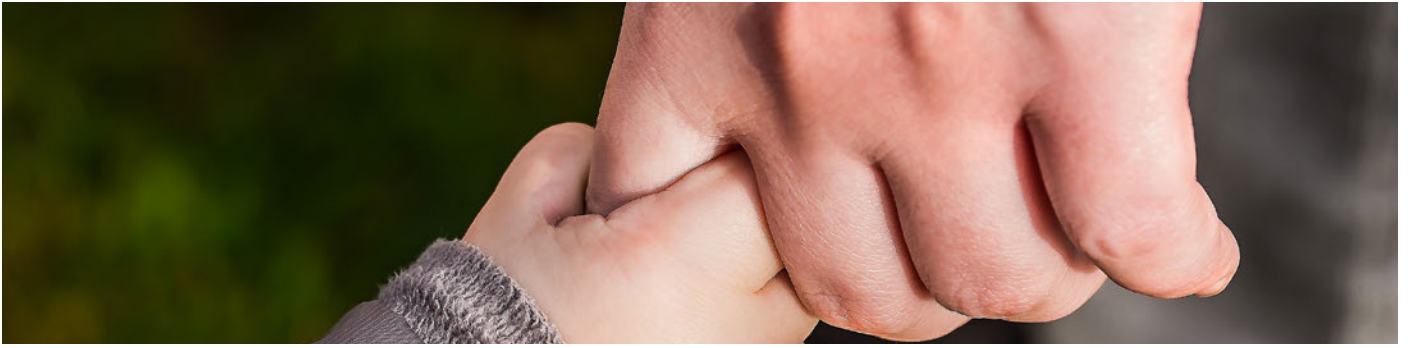
RESTITUTION ORDERED

\$2,239,586

1076% increase since 2017

RESTITUTION COLLECTED

\$186,023



CRIMINAL NON-SUPPORT

Overview

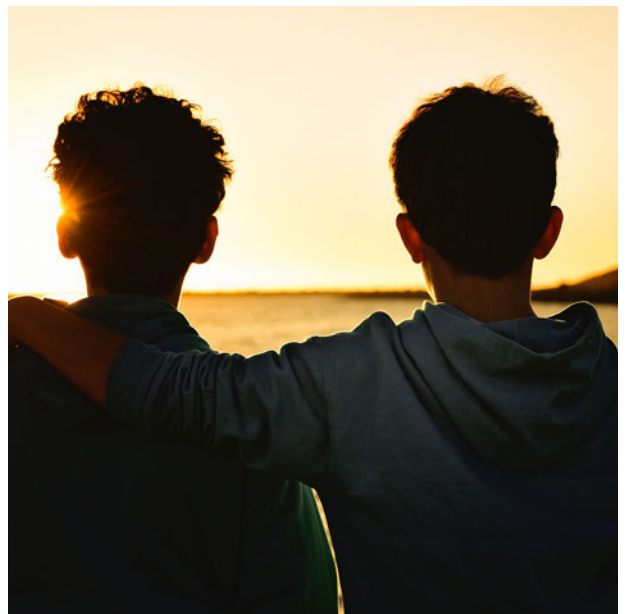
Utah's legislature has declared that children are presumed to need the financial support of both parents. When a non-custodial parent fails to provide their portion of that support, extreme hardship may befall both the child and the custodial parent. The AGO utilizes Utah's Criminal Non-support (CNS) statute to prosecute those who would disregard this inherent parental responsibility and cause such hardship.

When a noncustodial parent has failed to pay full court-ordered child support for at least 18 months within a 24-month period and the child support arrears exceed \$10,000, the Utah Office of Recovery Services (ORS) may refer the matter to the AGO to review for CNS charges. These matters have been pursued by ORS for many years with little or no success. In such cases, the state is regularly forced to provide public assistance for basic needs like food, shelter, and medical treatment. However, for some non-custodial parents, the threat of criminal penalties — including prison — are sufficient enough to compel compliance with child support orders. If not for the increased child support collections resulting from the AGO prosecution of CNS cases, Utah taxpayers would increasingly be required to make up the difference with no hope of reimbursement.

When CNS charges are filed and a plea agreement or conviction obtained, the defendant is sentenced to abide by specific conditions. Chief among those terms is a requirement to make minimum monthly payments. The payments include all ongoing child support as well as a portion of the arrears. If a defendant fails to abide by the terms of the sentence, the AGO may recommend jail time. Continued violations will result in recommendations for increasing periods of jail time or even prison.

CNS Mission Statement

The Criminal Non-support (CNS) Team mission is to improve the lives of Utah families by helping parents provide for the financial and emotional needs of their children by establishing and enforcing child support orders. The CNS team consists of two attorneys, two paralegals, and a legal secretary.



AMOUNT OF CHILD SUPPORT COLLECTED

\$1,639,779

29% increase since 2017

BY THE NUMBERS



REFERRED CASES

58

26% increase since 2018



DECLINED CASES

0



NEW CASES FILED

58

61% increase since 2018



TOTAL NUMBER OF
HEARINGS ATTENDED

787

16% increase since 2017



INTERNET CRIMES AGAINST CHILDREN TASK FORCE (ICAC)

OVERVIEW

The Internet Crimes Against Children (ICAC) Program is a national program composed of a network of sixty-one coordinated state and regional task forces representing more than 3,500 federal, state, and local law enforcement and prosecutorial agencies. These agencies are engaged in both proactive and reactive investigations, forensic examinations, and criminal prosecutions. By helping state and local agencies develop effective, sustainable responses to online child victimization—including responses to child sexual abuse images—the ICAC Task Force has increased law enforcement's capacity to combat technology-facilitated crimes against children at every level.

The ICAC Program was developed in response to the increasing number of children and teenagers using the Internet and other technology, the proliferation of child sexual abuse images available electronically, and the heightened online activity by predators seeking to commit illegal sexual acts against underage victims.

Because ICAC members understand that arrests alone cannot resolve the problem of technology-facilitated child sexual exploitation, the ICAC Task Force is also dedicated to training law enforcement officers and prosecutors, as well as educating parents and youth about potential dangers of online activity.



ICAC Tip Line:

801.281.1211

ICAC Email:

utahicac@agutah.gov



UTAH AGO ICAC TASK FORCE

The Utah AGO ICAC Task Force is a multi-jurisdictional task force that investigates and prosecutes individuals who use the Internet to exploit children within Utah. The ICAC Task Force prosecution team consists of four attorneys and one legal secretary. Their mission is to serve the citizens of Utah through timely, proactive, ethical, vigorous, and impartial enforcement of the laws of Utah; improve the safety of our communities; and do justice in every matter. This mission is accomplished by:

- Assisting state and local law enforcement agencies and prosecutors in investigating and effectively prosecuting cases involving enticement of minors, dealing in material harmful to minors, child pornography, and other related Internet-facilitated crimes against children;
- Seeking the imposition of evidence-based sentences on offenders, appropriately protecting the children of our community, and effectively reducing recidivism;
- Acting as a resource and fostering continual collaboration between local, statewide, and federal agencies in information sharing, networking, and case prosecution; and
- Seeking and maintaining a reputation for professionalism, respect, efficiency, reliability, and legal expertise.

CRIMINAL OFFENSES PROSECUTED

The primary criminal offenses prosecuted under both state and federal law include the production, receipt, possession, or distribution of child sexual abuse images; enticing an underage victim to engage in any sexual activity which is a violation of state criminal law; distributing material harmful to a minor; and interstate travel offenses, such as transporting a minor across state lines or traveling to another state to meet an underage victim for the purpose of illegal sexual exploitation. The prosecution team assists during all stages of a case, including investigation, warrant execution, and

criminal prosecution. In addition, prosecutors act as a resource to numerous investigative, prosecutorial, and community agencies.

The team is also responsible for proposing, drafting, and providing advice on legislation, including HB 270 Criminal Code Amendments, HB 298 Offender Registry Amendments, SB 128 Child Welfare Amendments, HB 141 Aggravated Sexual Exploitation of a Child, HB 57 Electronic Information or Data Privacy, and HB 450 Criminal Nonsupport Amendments during the 2019 Legislative Session.

ICAC Task Force prosecutors participate in the following committees and writing groups:

- Child Fatality Review Committee
- Domestic Violence Fatality Review Committee
- Child Abduction Response Team (CART)
- Sexual Assault Response Team
- Utah Attorney General's Ethics Committee
- Salt Lake County Unsubmitted Sex Assault Kit Initiative
- Domestic Violence Planning Advisory Council
- Domestic Violence Planning Advisory Council Sub Committee
- National Association of Extradition Officials and the Domestic Violence Offender Management Group
- Case Management Software Committee



2019 Utah Winner

Annie Li,
10 years

Morningside
Elementary

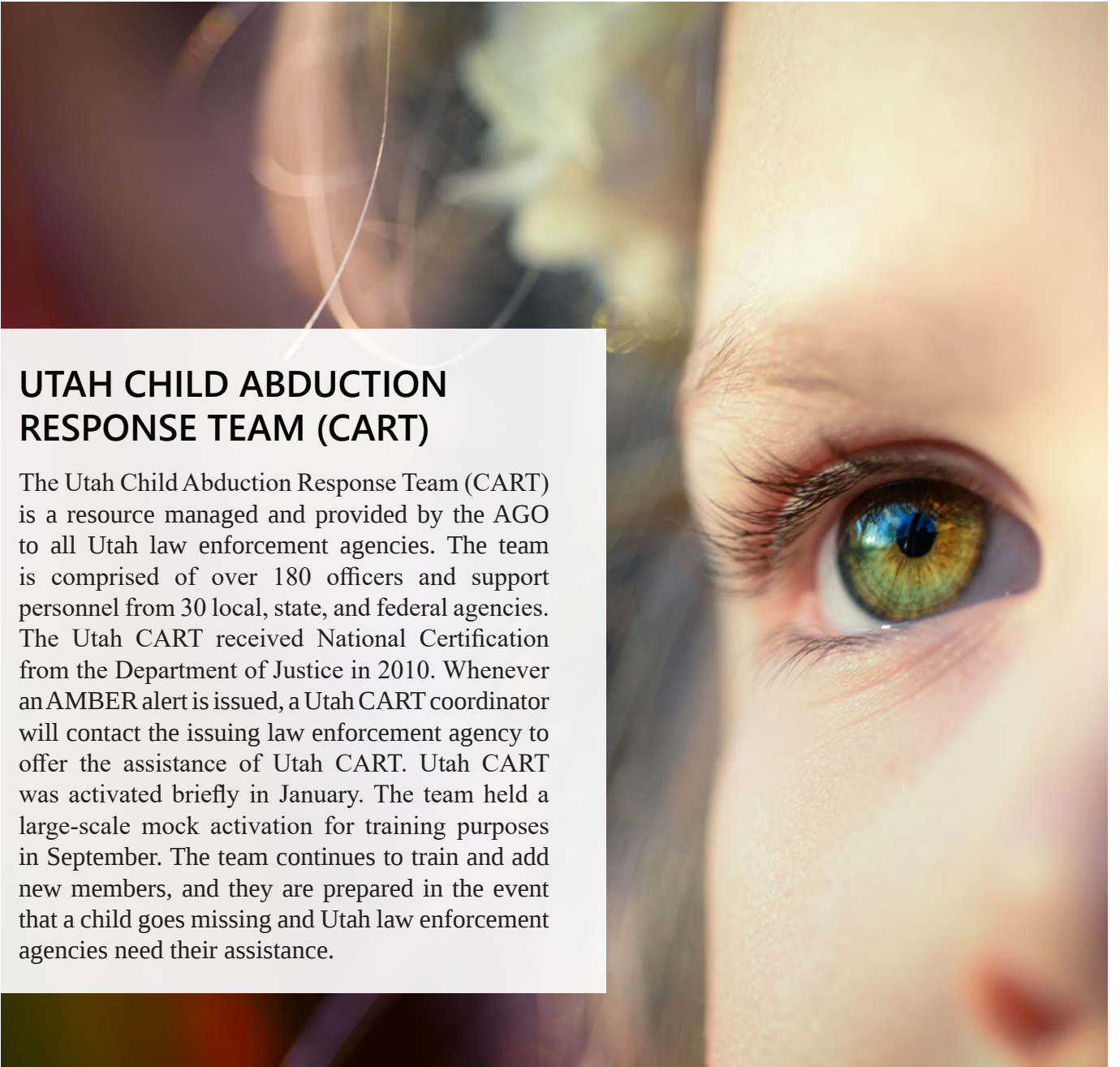
2019 National Missing Children's Day Poster Contest

The AGO again participated in the poster contest run by the U.S. Department of Justice for National Missing Children's Day. The AGO mailed out contest information to schools throughout Utah as well as to all of the state's community partners.

Annie Li, 10, drew the winning poster for the State of Utah for 2019. "I created it because of a family bond. In the picture [there] is a family that lost [their] child. So, they created paper to stick on to the trees, to let people know," Annie said about her poster.



Attorney General Sean D. Reyes with Annie Li, winner of the National Missing Children's Day Poster Contest in Utah, Annie's parents, and AG Investigators.



UTAH CHILD ABDUCTION RESPONSE TEAM (CART)

The Utah Child Abduction Response Team (CART) is a resource managed and provided by the AGO to all Utah law enforcement agencies. The team is comprised of over 180 officers and support personnel from 30 local, state, and federal agencies. The Utah CART received National Certification from the Department of Justice in 2010. Whenever an AMBER alert is issued, a Utah CART coordinator will contact the issuing law enforcement agency to offer the assistance of Utah CART. Utah CART was activated briefly in January. The team held a large-scale mock activation for training purposes in September. The team continues to train and add new members, and they are prepared in the event that a child goes missing and Utah law enforcement agencies need their assistance.

STATEWIDE COMMUNITY ADVISORY BOARD

In 2015, the ICAC Task Force Education Specialist created the ICAC Task Force Community Advisory Board. This group has increased awareness and bridged the gap between law enforcement and the communities we serve. It now includes more than 20 members from school districts, faith-based organizations, community groups, non-profit organizations, crime-prevention organizations, and others. The board meets bi-monthly and

collaborates with other professionals to raise awareness about issues associated with youth. The 60 minute trainings are called "ICAC Cops Q&A," and include an ICAC Task Force Investigator and the ICAC Task Force Education Specialist. These trainings are open to the public to promote Internet safety awareness and explain the role of the ICAC Task Force.



UNDERCOVER OPERATION

On May 13-17, 2019, the ICAC Task Force did a five-day undercover operation in Utah County targeting online predators who were attempting to meet up with children to engage in sexual activity. 13 men were arrested as a result of this operation. None of the cases have been adjudicated.

- Kelly Glen Herring, a 33-year-old male, traveled to have sex with a 13-year-old female. He was arrested and charged with Enticing a Minor, a 2nd Degree Felony; Attempted Rape of a Child, a 1st Degree Felony; Attempted Sodomy on a Child, a 1st Degree Felony; and Dealing in Harmful Materials to a Minor, a 3rd Degree Felony.
- Jared Richard Park, a 28-year-old male, traveled to have sex with a 13-year-old female. He was arrested and charged with Enticing a Minor, a 2nd Degree Felony; Attempted Rape of a Child, a 1st Degree Felony; Attempted Sodomy on a Child, a 1st Degree Felony; and 8 Counts of Dealing in Harmful Materials to a Minor, a 3rd Degree Felony.
- Dustin Bellmore, a 30-year-old male, traveled to have sex with a 17-year-old male. He was arrested and charged with Enticing a Minor, a Class A Misdemeanor, and Attempted Unlawful Sexual Activity with a 16 or 17-year-old, a Class A Misdemeanor.
- Carlos Portilla-Garcia, a 49-year-old male, traveled to have sex with a 15-year-old male. He was arrested and charged with Enticing a Minor, a Class A Misdemeanor, and Attempted Forcible Sexual Abuse, a 3rd Degree Felony.
- Brysen Lee, a 19-year-old male, traveled to have sex with a 13-year-old female. He was arrested and charged with Enticing a Minor, a 2nd Degree Felony, and Attempted Rape of a Child, a 1st Degree Felony.
- Alberto Lopez Andrade, a 31-year-old male, traveled to have sex with a 13-year-old female. He was arrested and charged with Enticing a Minor, a 2nd Degree Felony, and Attempted Rape of a Child, a 1st Degree Felony.
- Adam Peter Friel, a 31-year-old male, traveled to have sex with a 13-year-old female. He was arrested and charged with Criminal Solicitation, a 1st degree felony, and Attempted Sodomy on a Child, a 1st Degree Felony.



ICAC Commander Jessica Farnsworth announces the results of the undercover operation during a press conference in May 2019.

UNDERCOVER OPERATION CONT.

- Timothy Lavell Dickerson, a 30-year-old male, traveled to have sex with a 13-year-old female. He was arrested and charged with Enticing a Minor, a 2nd Degree Felony; Attempted Sodomy on a Child, a 1st Degree Felony; Possession of Marijuana, a Class B Misdemeanor; and Possession of Drug Paraphernalia, a Class B Misdemeanor.
- Steven Bruce Holmberg, a 60-year-old male, traveled to have sex with a 12-year-old female. He was arrested and charged with Criminal Solicitation, a 1st degree felony; Attempted Sodomy on a Child, a 1st Degree Felony; and Attempted Aggravated Sexual Abuse of a Child, a 1st Degree Felony.
- Tylor Berube, a 27-year-old male, traveled to have sex with a 13-year-old female. He was arrested and charged with Enticing a Minor, a 2nd Degree Felony; Attempted Rape of a Child, a 1st Degree Felony; Attempted Sodomy on a Child, a 1st Degree Felony; and Attempted Forcible Sexual Abuse, a 3rd Degree Felony.
- Matias Kandalaft-Ruminot, a 29-year-old male, traveled to have sex with a 13-year-old female. He was arrested and charged with Enticing a Minor, a 2nd Degree Felony, and Attempted Rape of a Child, a 1st Degree Felony.
- Lehi Spencer Santiago, a 38-year-old male, traveled to have sex with a 13-year-old male. He was arrested and charged with Enticing a Minor, a 2nd Degree Felony, and Attempted Sodomy on a Child, a 1st Degree Felony.

“My office works with children who are actual victims of sexual abuse and rape; we see these children and the trauma they suffer. That’s why we perform these operations, and why we’re so committed to preventing harm where we can and prosecuting every possible crime against children that we can. Our goal is to prevent this kind of trauma from happening to even one more child.”

—Attorney General Sean D. Reyes during a press conference announcing the results of the undercover operation.

BY THE NUMBERS

Investigations



CHILD EXPLOITATION REFERRALS

3,084

INVESTIGATIONS CONDUCTED

1,107

SEARCH WARRANTS SERVED

418ELECTRONIC DEVICES
FORENSICALLY EXAMINED**3,788**

ARRESTS

227

Prosecutions



NEW CASES REVIEWED

48

CASES FILED

44

ARRESTS

42

SENTENCED/PROBATION

35

CHILD VICTIMS IDENTIFIED

100



NOTABLE CASES

Gabe Gilbert

This case involved a Defendant who had been sexually extorting minor girls for years. The investigation revealed the Defendant threatened victims with violence, kidnapping, and rape if they did not send him nude pictures of themselves. The Defendant had more than fifty underage victims across multiple accounts in multiple states. First degree felony charges of aggravated sexual extortion of a child and felony charges of manufacturing child pornography have been filed.

Jacob Henry

This case involved a Defendant who had impersonated female family members online and solicited sex from anonymous men using their profile. Defendant disclosed personal information regarding his family, putting them at risk of rape and sexual violence. The investigation also revealed that the Defendant had been morphing child pornography to match neighborhood children.

Jason Smith

This case involved a Defendant that had been secretly recording his daughter sleeping while masturbating over her sleeping body. The Defendant also recorded himself touching his daughter's buttocks and underwear while she slept. The Defendant then distributed the images of his daughter via SnapChat. The investigation also revealed thousands of images of child pornography depicting unknown victims that he had stored in online cloud accounts.

Jason Waters

This case involved a Defendant who was grooming a ten-year-old girl for a sexual relationship through

a variety of chat and messaging apps. Defendant arranged to meet the ten-year-old for sex but was arrested on scene. The Defendant was convicted of 2nd degree felony enticement of a minor and placed on probation. The Defendant has since reoffended and was arrested while attempting to entice another minor child into a sexual relationship.

Charles Ulibarri

While on lifetime parole for aggravated murder, Charles Pete Ulibarri was charged with twenty-five counts of sexual exploitation of a minor. Ulibarri uploaded child pornography to the Internet using a DropBox account. Investigators found thousands of images and videos of child pornography, including videos depicting female toddlers being vaginally raped, anally raped (adult penis to anus), and orally sodomized. Ulibarri pleaded guilty and was sent back to prison. Unfortunately, the judge refused to follow statute and instead ran the case concurrent with the time Ulibarri would serve on his parole violation.

Johnny Lovato

Within thirty days of being released from prison for aggravated sexual abuse of a child, Johnny Lovato began uploading child pornography from his computer. Investigators found images of prepubescent female children exposing their genitals and being sexually abused. Lovato pleaded guilty to two counts of Sexual Exploitation of a Minor and was sent back to prison. Unfortunately, the judge refused to follow statute and instead ran the case concurrent with the time Lovato would serve on his parole violation.



Investigation Team before a raid.

STATEWIDE ENFORCEMENT OF CRIMES BY UNDOCUMENTED RESIDENTS (SECURE) TASK FORCE

The SECURE Task Force is a state-funded task force that focuses on human trafficking, fraudulent government documents, and other felony-level crime within the undocumented population.

The SECURE Task Force is made up of multiple agencies, including five AGO Special Agents, two Department of Public Safety Investigators, one University Police Department Detective, one Ogden Police Department Detective, one United States Department of Agriculture Special Agent, one US Marshal, and one Homeland Security Investigations Agent. Part-time participating agencies include Bountiful PD, Park City PD, Summit County SO, Heber City PD, Enforcement and Removal Operations Field Offices, and Davis County SO.

The SECURE team continues to follow the mandate of the Utah Legislature by ensuring the safety of Utah's communities, focusing its investigation on human trafficking, document mills, and criminal enterprises involving the trafficking of narcotics and firearms. Human trafficking investigations do not always result in human trafficking-related charges for various reasons, including the protection of the victim(s).

There are always more investigations than prosecutions. When a report is received by SECURE, a case is opened. At different stages of the investigation and for various reasons, the investigative case may be closed and not reflected as a prosecution statistic, even though the prosecutor may have advised on the investigation, approved search warrants, or opened an investigation.

Goals

The SECURE Task Force will continue to educate and train local law enforcement agencies, juvenile services, non-governmental organizations (NGOs), and other related entities in the area of human trafficking. The SECURE Task Force will also evaluate investigative techniques as traffickers have adapted in response to the success the SECURE Task Force has had in arresting them.





NOTABLE CASES

Jeff Fitzgerald Porter

Porter met his two victims through selling them narcotics which led to him trafficking them for sexual purposes. During this time, Porter was controlling and violent toward his victims. He would prevent the women from leaving, choked and threatened to kill one of them, and hit them both with a metal bar.

Porter was charged with Aggravated Kidnapping, a First-Degree Felony (2 counts); Human Trafficking for Forced Sexual Exploitation, a Second-Degree Felony (2 counts); Aggravated Assault, a Third-Degree Felony (2 counts); and Aggravated Exploitation of Prostitution, a Second-Degree Felony.

John Steven Lake

Lake met the victim through a mutual friend. The victim was going through tough times and at first she believed Lake was helping her, but he ended up getting her involved in commercial sex. Lake would encourage her to make money, supply her with prescription drugs, and when she talked about getting out, Lake threatened to tell the victim's family what she was doing. Lake and the victim traveled to Wendover, Nevada where Lake encouraged the victim to post ads and use the hotel room for commercial sex. When the victim told Lake she did not want to do that, Lake became upset and the victim felt scared. Later that night, the victim was found badly beaten

at the bottom of a stairwell requiring her to be life-flighted to the U of U Medical Center.

Lake was charged with Aggravated Exploitation of Prostitution, a Second-Degree Felony; Pattern of Unlawful Activity, a Second-Degree Felony; and Exploitation of Prostitution, a Third-Degree Felony (2 counts).

Eduardo Romo Vasquez

SECURE Agents initially executed a search warrant on a vehicle Vasquez was driving. During the search, a compartment was located in the floor of the vehicle containing 6.1 ounces of methamphetamine. A search warrant was then obtained for the residence of Vasquez where they located another 11.8 ounces of methamphetamine, scales, packaging material, three rifles (two of which were stolen), four fraudulent U.S. issued Social Security cards and five fraudulent U.S. issued Permanent Resident cards.

Vasquez was charged with Possession of a Controlled Substance with Intent to Distribute, a Second-Degree Felony (2 counts); Possession of a Forged Writing, a Third-Degree Felony (9 counts); Possession of a Firearm by a Restricted Person, a Second-Degree Felony (3 counts); and Receiving Stolen Property, a Second-Degree Felony (2 counts).

BY THE NUMBERS

CASES GENERATED
BY INVESTIGATORS**224**CASES INITIATED BY/ASSIGNED
TO SECURE PROSECUTOR**70**FRAUD/FORGERY/
COUNTERFEITINGInvestigations/
Arrests**46**

Charges Filed

125

DRUG CRIMES

Investigations/
Arrests**23**

Charges Filed

45SEX OFFENSES/
HUMAN TRAFFICKINGInvestigations/
Arrests**75**

Charges Filed

12

WEAPONS

Investigations/
Arrests**3**

Charges Filed

5MISC. CASES, CITIZEN
ASSIST, POLICE ASSIST, ETC.Investigations/
Arrests**57**

Charges Filed

37SECURE PROSECUTIONS
(STATE)**70**



SPECIAL PROSECUTION UNIT

The Special Prosecution Unit is an experienced group of elite attorneys specializing in aggravated felonies, public corruption, sexual abuse, narcotics, weapons, theft, and fraud.

The section works in partnership with both the AGO Special Investigations Unit and local law enforcement agencies to promote a safe and lawful environment for residents statewide.

The section serves to implement the criminal justice system and minimize negative impact upon the lives of victims, witnesses, and their families during the prosecution of felony crimes, which is best achieved through: justice, fairness, prompt and courteous attention, and cooperation with law enforcement.



The Special Prosecution Unit is comprised of the following units:

- DEA/HIDTA Drug Prosecution Unit, which handles Federal and State DEA-related cases.
- Department of Workforce Services and Social Security Administration Unit, which handles fraud cases.

The Special Prosecution Unit advises, handles, or assists other jurisdictions on complex matters including multi-jurisdiction and conflict cases, public corruption, asset forfeiture, factual innocence, State RICO, and all serious and violent felonies including death penalty, capital murder, homicide, and physical sexual abuse and exploitation.

BY THE NUMBERS



CASES FILED
(STATE)

69



CASES FILED
(FEDERAL)

16



CONVICTIONS

87

RESTITUTION

\$891,056

ASSET FORFEITURE

\$511,868



UTAH PROSECUTION COUNCIL

OVERVIEW

Utah Prosecution Council (UPC) is a statutorily-created agency composed of ten members that includes the Attorney General, four elected county/district attorneys, two city prosecutors, the Commissioner of Public Safety, the Chair of the Utah Prosecutor Assistant's Association (UPAA), and the Chair of the Statewide Association of Prosecutors and Public Attorneys (SWAP). UPC is mandated to provide continuing legal education to prosecutors. UPC provides current and relevant legal training to state and local prosecutors, law enforcement agencies and officers, and victim advocates. UPC also works with SWAP to effectively and accurately represent and advocate for the interests of public attorneys.

Full-time staff include a Director, a training coordinator who is responsible for all logistical aspects related to UPC's conferences, an IT specialist who is the project manager for a statewide prosecutorial case management system, and two specialty resource prosecutors: a Traffic Safety Resource Prosecutor (TSRP) and a Sexual Assault/Domestic Violence Resource Prosecutor (SADVRP). These resource prosecutors provide expert assistance to prosecutors and law enforcement personnel.

PURPOSE

The purpose of the UPC is to provide high-quality continuing legal education training for state and local prosecutors through full participation of all prosecution agencies. UPC facilitates communication between law enforcement partners, state agencies, and advocacy groups working to achieve the highest levels of success. UPC provides cutting-edge training and resources to assist all members to better perform their duties.

UPC INVOLVEMENT

Conferences

UPC holds the following conferences on an annual basis:

- Spring Caselaw and Legislative Update
- Regional Legislative Updates
- Utah Prosecutorial Assistants Association Annual Conference
- Basic Prosecutor Course
- Fall Prosecutor Training
- Government Civil Practice Conference
- Utah Misdemeanor Prosecutors Association Conference
- County/District Attorney Executive Conference

Courses

UPC offers additional courses, including the following, as needed and as funding allows:

- New County/District Attorney Seminar (January 2019)
- Train the Trainers (March 2019)
- DV101 Bootcamp (June 2019)
- Mental Health 101
- Adult Sex Crimes
- Advanced Trial Skills
- DUI/DRE Training
- The Visual Trial
- White Collar Crime

UPC Director Robert Church teaches the Domestic Violence 101 course to new cadets at the Peace Officer Standards Training (POST) academy each quarter.

Boards & Commissions

Members of the UPC Staff serve on the following boards and commissions:

- Editorial Board of the Utah Journal of Criminal Law
- National District Attorneys Association Veterans Committee
- National Association of Prosecutor Coordinators (Chair of Finance Committee)
- Utah Prosecutor Assistants Association
- Utah Council for Victims of Crime, Crime Victims Conference Sub-Committee (Co-Chair)
- Sexual Assault Kit Initiative (SAKI) Case Review Committee
- Domestic Violence Advisory Council, Sexual Assault Advisory Council and Justice Sub-committee
- Multi-Disciplinary Trauma Informed Committee
- Trauma Curriculum Committee (Chair)
- Alcohol Drug and Fee Committee (Chair)
- Criminal Justice Track for the National Lifesaver's Conference
- Utah e-Warrant Review Committee

UPC also helps eligible prosecutors and public defenders repay their student loans through its administration of the John R. Justice Federal Student Loan Repayment Program.

BY THE NUMBERS



TOTAL NUMBER OF
CONFERENCES/EVENTS

182



TOTAL NUMBER OF
INDIVIDUALS TRAINED

5,685



TRAINING IN TRAUMA-INFORMED RESPONSE

In early 2014, a study on the number of sexual assault cases filed in Salt Lake County showed that only 6% of cases with a fully-collected sexual assault kit were being prosecuted. A major contributing factor to the low prosecution rate was a lack of understanding of the neurobiology of sexual assault trauma and how that trauma affects a victim's behavior and ability to recall key events of the assault.

As a result, UPC spearheaded the effort to develop a plan to make the criminal justice system in Utah more trauma-informed. UPC recognized that two important events must take place: (1) train criminal justice professionals in trauma neurobiology; and (2) develop a specific, easy-to-use interview protocol incorporating the principles of the neurobiology of trauma. UPC created the Trauma-Informed Victim Interview (TIVI) protocol. In the spring of 2014, UPC began training criminal justice professionals throughout Utah on the

impact of trauma upon a victim's behavior and memory and how to use the protocol. Since that first conference, UPC has trained on trauma-informed response and related issues at thirteen UPC-sponsored conferences, training hundreds of prosecutors and law enforcement officers.

UPC was able to work with Representative Angela Romero in her efforts to pass a bill to require UPC to train all law enforcement officers on this issue. 2017's H.B. 200 required DPS and UPC to offer this training to all certified law enforcement officers in the State of Utah. That requirement has been met as of July 1, 2018. DPS and UPC were also required to develop an advanced training course for officers who investigate cases of sexual assault or sexual abuse. The first course of this advanced training was provided in September 2018.

INVESTIGATIONS

OVERVIEW

The Investigations Division identifies, apprehends, and assists in the prosecution of violations of the criminal laws of the State of Utah and the United States through investigation of criminal complaints in the areas of: complex white-collar and financial crimes; public corruption; general fraud; child abuse and exploitation (includes sexual abuse, physical abuse, homicide, and child pornography); cybercrime, internet fraud, identity theft, and internet crimes against children; crimes associated with closed societies; environmental crimes; antitrust; disability; and significant street crime including homicide, aggravated assault, and sex crimes where a local authority requests involvement.

This division provides investigative support to the prosecutors of the Justice Division on prosecution referrals and also receives referrals from the Grand Jury Panel of Judges to conduct investigations to determine if sufficient cause exists to convene a state grand jury.

All investigators are POST-certified state peace officers.

SPECIAL INVESTIGATIONS UNIT (SIU)

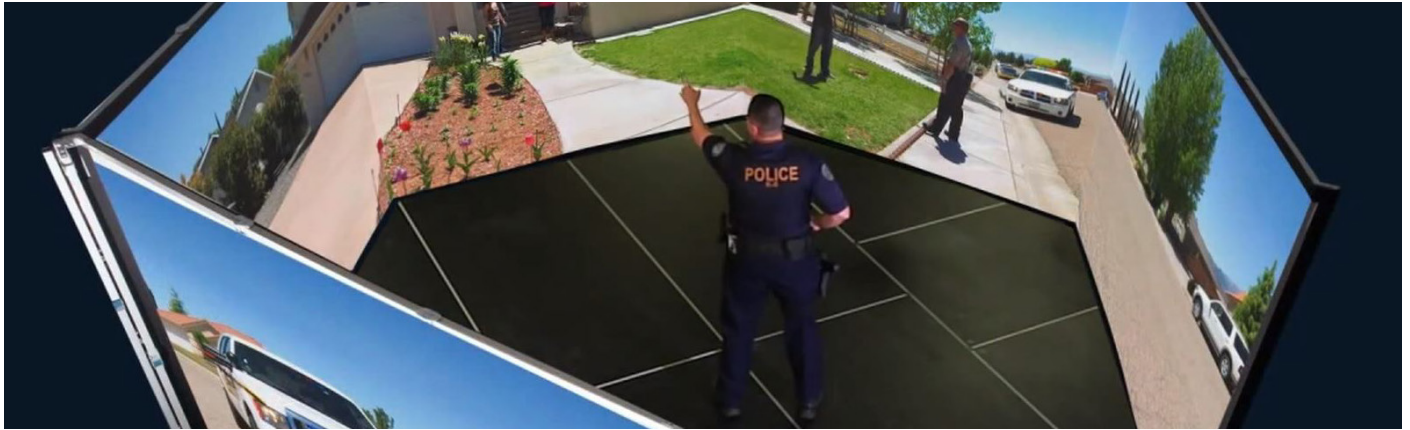
The Special Investigations Unit (SIU) has a primary focus of complex, multi-jurisdictional, multi-victim, and felony-level investigations. These investigations include: fraud, public corruption, officer-involved critical incidents, conflict cases, agency assists, and other miscellaneous crimes.

SIU is currently made up of nine Special Agents and one Direct Supervisor, three Reserve Agents, two Evidence Technicians, and one Training Specialist.

SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION (SITLA)

There is one SIU agent that assists the School and Institutional Trust Lands Administration (SITLA) investigating any potential crime involving SITLA. These investigations have included issues arising from staged protests, seed gathering, illegal timber cutting, and illegal mining. This position is fully paid for by SITLA.





PROFESSIONAL DEVELOPMENT FOR LAW ENFORCEMENT

SIU houses the Professional Development Section, which specializes in developing upper-level critical skills for patrol officers, detectives/investigators, and attorneys in relation to the application of force, de-escalation, law application, and other skills utilized by professionals in the criminal justice field.

GOALS

Fraud Training

SIU is working on developing a comprehensive fraud training for local jurisdictions. A survey has already been released statewide to detectives in order to assess what trainings are wanted by agencies. Once needs are assessed, SIU will assemble a tailored training to be offered statewide.

New Legal Education Video Media

SIU continues work to develop new legal education video media in consultation with AGO Prosecutors. This continues a partnership with Crisis Intervention Team Utah and major Utah public safety risk management groups to provide additional de-escalation learning opportunities. VirTra is an interactive software designed to teach de-escalation, active shooter scenerios, judgmental use of force, situational awareness, and firearms training for law enforcement, military, educational and commercial markets. SIU hopes not only to secure resources that allow a distance learning capability, but also to increase video production to maximize the benefit of using the legal subject matter experts. SIU is reconfiguring the core scenario learning experience to add value to the trainees' time. This comes at a significant staffing cost as it intensifies legal education for each trainee. Recruiting and training additional qualified VirTra operators/educators from within the division staff will facilitate these efforts.

BY THE NUMBERS



CASES OPENED

134



SEARCH WARRANTS

12

VIRTRA NOTABLE CASES

Four-part TAC MED Video Series

Staff of the VirTra Training Center, in partnership with West Jordan Police Department, determined that lives could be saved with a small investment in training, practice, and equipment. The partnership developed a four-part video series introducing tactical medical or TAC MED concepts for police officer self-rescue and victim treatment. In the series, officers learn about TAC MED concepts, including individual first aid kits (I.F.A.K.), tourniquet applications, applying pressure bandages, and chest seals. The series concludes by encouraging police officers to develop a Survival Mindset, which is illustrated by State Park Ranger Brody Young's story, who survived an ambush and being shot nine times. The series will become part of the VirTra Training Center's COPTALKS video library.

Hostage Rescue

While training hundreds of Utah's law enforcement officers on how to effectively respond to critical incidents, Training Center staff recognized the need to improve officers' knowledge, skills, and abilities regarding hostage rescue. A hostage rescue video training program was produced in collaboration with Salt Lake City Police Officer Ben Hone. Officer Hone is a Police trainer and personally rescued two sisters taken hostage during a failed rape attempt and burglary incident. Hone was required to make a split-second decision and a remarkable lifesaving shot under low-light circumstances that were tense, uncertain, and rapidly evolving. This training program prepares officers to make sound decisions during life threatening incidents and if necessary, the hostage rescue shot. The video is part of the VirTra Training Center's COPTALKS video library.

INVESTIGATIONS NOTABLE PROSECUTIONS

Child Homicide Case

The Special Investigation Unit investigated the death of a two-year-old child. After a thorough investigation, the suspect, Lisa Vanderlinden of Noela, was charged with aggravated murder. Vanderlinden and her husband were foster parents to the victim and his one-year-old sister. Vanderlinden is a licensed practical nurse who provided nursing services for the Children's Justice Center. The case was conflicted to the Utah Attorney General's Office Investigation Division by the Duchesne County Sheriff's Office.

Credit Union Fraud

In January 2019, the Special Investigations Unit investigated a fraudulent letter purporting to be from the Attorney General's Office and Office of Recovery Services. The Attorney General seal was used, and the letterhead stated that the documents were sent on behalf of the "office of Sean Reyes." After a thorough investigation was conducted, Rachel Schroeder was identified as the person who created and sent the letter. Schroeder was charged with a Third-Degree

Felony for Forgery, pled guilty to the crime, and was placed on probation.

Pawn Shop Investigations

The Utah Attorney General's Office filed eight felony charges against the manager of West Jordan Xtreme Pawn for a continuing pattern of buying and selling property with the knowledge that the merchandise was stolen from various retail businesses in Utah.

HB 281 Review cases

In 2019, the State Legislature passed House Bill 281 Prosecution Review Amendments, which authorizes the AGO to review an investigation and prosecute any first-degree felony that a district or county attorney declines or fails to prosecute. With HB 281 enacted in July of 2019, the Special Investigations Unit has taken on several cases to review. Every investigator in the unit has been assigned at least one HB 281 case and works with prosecutors to review cases.



Attorney General Sean Reyes announces the arrest and charges of Paul D. Petersen on October 9, 2019 with Chief Criminal Deputy Spencer Austin, Section Director Janise Macanas, and AG Investigators team during a press conference.

ARIZONA ELECTED OFFICIAL CHARGED WITH HUMAN SMUGGLING AND SALE OF CHILDREN

In one of the biggest cases in 2019, the Utah Attorney General's Office charged Paul D. Petersen with eleven felony offenses, including Human Smuggling, Sale of a Child, and Communications Fraud. Petersen, an adoption lawyer licensed in Utah and Arizona, was the elected County Assessor for Maricopa County, Arizona at the time. He was arrested in Arizona on Tuesday, October 8, 2019.

Petersen is alleged to have run an illegal adoption scheme where he recruited, transported, and offered payment to pregnant Marshallese women to give their babies up for adoption in the United States. Due to a long history of adoption-related exploitation in the Republic of the Marshall Islands, adoptions between the United States and the Marshall Islands are governed by an Interstate Compact that prohibits this type of international adoption. In addition, Petersen was charged with communications fraud after he allegedly failed to disclose the compact and other material aspects of his scheme to adoptive parents who paid him to facilitate their adoptions.

Petersen is alleged to have transported over 40 pregnant Marshallese women into Utah over the last

three years as part of the scheme.

The Utah Attorney General's Office worked closely with authorities from Arizona, Arkansas, and the Republic of the Marshall Islands in parallel investigations of this scheme. Petersen faces charges for related offenses in Arkansas and Arizona.

"While Mr. Petersen is entitled to a presumption of innocence, our investigation uncovered evidence that he has committed horrible crimes," said Attorney General Reyes. "Petersen's illegal adoption scheme exploited highly vulnerable groups in two countries—the birth mothers and families in the Marshall Islands and the adoptive parents here in Utah."

"It is heartbreaking that these families from both countries were so cruelly manipulated," Reyes added.

"This case first came to us from concerned hospital workers cold-calling our human trafficking tip line," said Chief Criminal Deputy Spencer Austin. "We always say, 'If you see something, say something.' I think these charges prove that if you do say something, we will listen. We will use every resource at our disposal to put a stop to these horrendous crimes."



L.E.T.S. STAY SAFE - FIREARM SAFETY & VIOLENCE PREVENTION PROGRAM

Firearm safety education is crucial to the well-being of Utah's children. L.E.T.S. Stay Safe is Utah's firearm safety and violence prevention program that promotes gun safety through education.

During the 2016 Legislative Session, Senator Todd Weiler and Senator Dan McCay sponsored SB 43, a bill that directed the Utah Attorney General's Office to produce a program that offers guidance and education to youth on the importance of firearm safety and reporting threats to schools. Together with the Utah Legislature, the Utah State Board of Education, and partner law enforcement agencies, the Utah Attorney General's Office produced L.E.T.S. Stay Safe. This comprehensive educational program was developed to help teachers and parents teach firearm safety by providing teaching materials and safety guidelines for students and children across the state.

Program materials include a 5-minute educational video that teaches children what to do when they find a gun or become aware of a threat at school. The

video is accompanied by a 50-minute lesson plan, PowerPoint presentation, posters, handouts, and a social media campaign. The program "L.E.T.S. Stay Safe," uses the mnemonic "L.E.T.S." to teach students the proper actions to take when they find a firearm: Leave it alone; Educate others; Tell an adult; and Share threats against the school or other students with authorities. School resource officers and other peace officers can voluntarily teach this lesson to grades 5 through 12 in school districts where the school board or chartered school governing board has given approval. All students may attend this class when a parent or legal guardian has given prior written consent.

Parents and community leaders can also access and use the program for family and community education. Details for the program are outlined in Utah State Code 53A-13-106.5.

Program materials can be found on the AGO website at attorneygeneral.utah.gov/lets-stay-safe-utah/.



COOPERATIVE DISABILITY INVESTIGATION UNIT

The Salt Lake Cooperative Disability Investigation Unit (CDIU) is a multi-agency task force that investigates fraudulent disability applicants and recipients. The Salt Lake CDIU investigates disability claims under the Social Security Administration's (SSA) Title II and Title XVI programs that Utah disability examiners believe are suspicious. There are currently four Special Agents (one of which acts as the supervisor) and one support staff member, as well as a Criminal Information Specialist, assigned to the Salt Lake CDIU from the AGO. The positions are all fully funded federally (wages and benefits), and the AGO is reimbursed from the SSA for the costs associated with the five staff members assigned to the Salt Lake CDIU. The Salt Lake CDIU program's primary mission is to obtain evidence that can resolve questions of fraud before benefits are ever paid. The Salt Lake CDIU may also provide investigative support to examiners during continuing disability reviews that can be used to cease benefits of in-payment beneficiaries.

Upon completion of the investigation, a report detailing the investigation is sent to Disability Determination Services (DDS), where staff serve as the ultimate decision-making entity in determining whether a person is eligible to receive a monthly disability benefit payment. If the claimant is already receiving benefits, DDS and/or SSA will determine whether the person's benefits should be continued or terminated. In some cases, there is a possibility of criminal prosecution, or the imposition of Civil Monetary Penalties (CMP), or administrative sanctions may occur.

The Salt Lake CDIU began operating in April 2011. A team leader assigned from the Office of the Inspector General (OIG) supervises the Salt Lake CDIU. The following agencies are members of the Salt Lake CDIU Task Force: the Office of the Inspector General, Disability Determination Services, the Social Security Administration, and the Utah Attorney General's Office.

BY THE NUMBERS



ALLEGATIONS RECEIVED

92



CASES OPENED

50



CRIMINAL CASES CLOSED

25

NOTABLE PROSECUTIONS

Disability Funds Stolen From Ex-Husband

A female suspect pled guilty in November 2019 to Theft of Government Monies after an investigation found she had stolen disability funds from her ex-husband through a former joint bank account. Restitution for the case is just over \$76,000.

Disability Funds Stolen From Daughter

A male suspect pled guilty in October 2019 to Theft of Government Monies after an investigation found he stole disability funds from his adult daughter. The suspect was the representative payee for his disabled adult daughter and stole \$28,735.20 over the course of several years in benefit payments intended for his daughter and converted them for his own use. The suspect paid restitution in one lump sum payment.

Continuing Disability Review Case

A male subject receiving disability funds was under review, known as Continuing Disability Review (CDR), with Social Security and had conflicting information in his reports. The

investigation into the matter documented the subject's extensive hunting activities and other inconsistencies, which led to termination of his benefits and projected Social Security and Medicare savings of \$210,042.00.

Social Security Administration Case

A male disability (SSI) recipient fraudulently received \$38,773.59 between May 2013 and March 2018 due to his concealment of property he owned in Sevier County, Utah. During the investigation, the subject's spouse was interviewed and was found to have assisted the subject with providing false information to the Social Security Administration for the SSI benefits. The subject's spouse was also collecting Supplemental Nutrition Assistance Program (SNAP) benefits through DWS for which she was approved based on her husband's SSI benefits approval. The subject's spouse received \$13,757.00 in SNAP (food stamps) and \$80,169.37 in medical assistance with a total amount of \$93,926.37 in restitution ordered to the state. This case is currently being prosecuted through the U.S. Attorney's Office.



UTAH TRAFFICKING IN PERSONS TASK FORCE

OVERVIEW

The Attorney General's Office's SECURE Strike Force investigates and prosecutes human trafficking offenses as part of its mandate from the Utah Legislature. The AGO also hosts and coordinates the efforts of the Utah Trafficking in Persons Task Force (UTIP). UTIP is a multi-disciplinary group of experts from law enforcement, academia, victim services, state and federal agencies, and non-governmental organizations (NGOs) working together to combat human trafficking in Utah. UTIP's goal is to attack every aspect of the human trafficking problem—not just prosecuting offenders, but also rescuing victims and providing them with aftercare, educating the public on trafficking issues, and improving legislation. Working together with UTIP, the AGO has made major strides in bolstering Utah's response to human trafficking. Our state is now recognized as a leader in combatting this horrible crime.

MODERN SLAVERY

Human trafficking is a modern-day form of slavery involving the illegal trade of people for exploitation or commercial gain.

Every year, millions of men, women, and children are trafficked in countries around the world, including the United States. It is estimated that human trafficking is a \$150 billion per year industry worldwide, second only to drug trafficking as the most profitable form of transnational crime.

Human trafficking is a hidden crime, as victims rarely come forward to seek help because of language barriers, fear of the traffickers, and/or fear of law enforcement.

Traffickers use force, fraud, or coercion to lure their victims and force them into labor or commercial sexual exploitation. They look for people who are vulnerable for a variety of reasons, including economic hardship, natural disasters, or political instability. The trauma can be so great that many may not identify themselves as victims or ask for help, even in highly public settings.



HUMAN TRAFFICKING INVESTIGATIONS & PROSECUTIONS

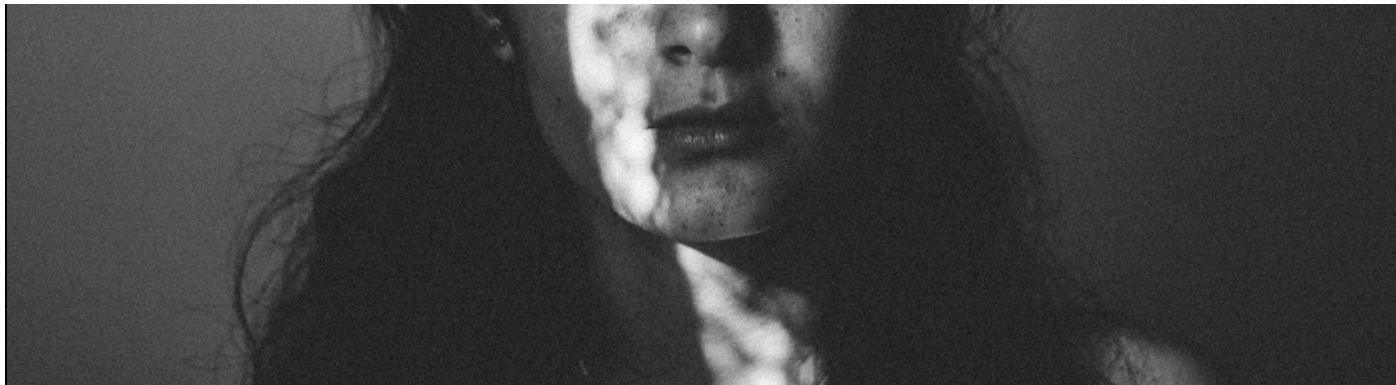
Human trafficking investigations are complex and can stretch on for months or years before enough evidence is gathered to make an arrest. Proving the elements of these offenses often requires testimony from victims who have been severely traumatized by their experiences. Sometimes human trafficking victims do not wish to participate in an investigation or prosecution. In those cases, investigators and prosecutors will work to prosecute offenders for other offenses that do not require victim testimony. Prosecutors work closely with victim service providers to shepherd victims through the criminal justice process and to prepare them for the reality of testifying against their traffickers. In some cases, there will not be enough evidence to make an arrest. For those reasons, arrest numbers are lower than the number of investigations.

HUMAN TRAFFICKING INVESTIGATIONS

AGO investigators actively investigate human trafficking cases throughout the state. In addition to running its own proactive investigations, the Investigations Division also takes referrals from local police departments, follows up on tips from the National Human Trafficking Hotline, and works with victims referred by UTIP partners.

HUMAN TRAFFICKING VICTIMS

In the course of human trafficking investigations, the division works to identify human trafficking victims and refer them to comprehensive victim services through its UTIP partners. Although arresting and prosecuting offenders is a major goal of the division, rescuing human trafficking victims is even more important.



HUMAN TRAFFICKING LEGISLATION

The Utah Attorney General's Office (AGO) and Utah Trafficking in Persons Task Force (UTIP) has consulted with the legislature on several new pieces of legislation intended to combat human trafficking in Utah. Much of the human trafficking legislation proposed since 2015 has come directly out of work done by the AGO and UTIP. As our task force works together on human trafficking cases, we become experts on gaps in Utah code or ways in which it can be improved.

Human Trafficking

During the 2019 Utah Legislative Session, the AGO supported HB 20 Human Trafficking Amendments sponsored by Rep. Angela Romero. This bill created a first-degree felony offense for trafficking a vulnerable adult, which is an adult with a mental or physical disability that substantially interferes with their cognitive abilities. HB 20 was created following a case prosecuted by the AGO where an adult autistic woman who functioned at the cognitive level of a 15-year-old was trafficked for sex by someone who was aware of her disability. Additionally, the bill removed the statute of limitations from human trafficking of a child, penalizes anyone who knowingly benefits from trafficking a child by making them culpable as a trafficker themselves, and replaces references to “child prostitute” in the code with “child engaged in commercial sex.” HB 20 was passed and signed into law.

Human Trafficking Revisions

HB 108 Human Trafficking Revisions, sponsored by Rep. Angela Romero, was signed into law during the 2019 Legislative Session. It focused on treating all sexually-exploited children as victims. It bulks up and clears up the safe harbor language in the prostitution code and references that language again in the sex solicitation code to make clear that children cannot be charged under either one. It directs police to investigate for human trafficking anytime they encounter a child engaged in commercial sex. It creates a pathway for vacatur of juvenile adjudications for trafficking victims who were wrongly adjudicated while they were being trafficked. The bill was passed and signed into law.

Human Trafficking Prevention Training

Sponsored by Sen. Todd Weiler, SB 198 Human Trafficking Prevention Training created training requirements for human trafficking prevention and awareness. The bill requires school districts and charter schools to provide biennial training regarding human trafficking prevention and awareness to school personnel, parents and guardians, and students. The training will include responding to a disclosure of child sexual abuse in a supportive, appropriate manner, identifying children who are victims or may be at risk of becoming victims of human trafficking or commercial sex exploitation, and the mandatory reporting requirements on warning signs of a child who is being sexually abused or is a victim or at risk of becoming a victim of trafficking. The bill was passed and signed into law in 2019.

UTAH

REPORT CARD | 2019



Utah criminalizes human trafficking of a child for sexual exploitation without regard to force, fraud, or coercion and has laws to prosecute demand for commercial sex acts with a minor. State law prohibits the criminalization of minors for "prostitution" and "sexual solicitation." Instead, law enforcement must refer commercially sexually exploited children to the Division of Child and Family Services for specialized services.

Final Score
93
Final Grade
A

10	25	15	7.5	23	12.5
10	25	15	10	27.5	15

UTAH GETS AN 'A' FOR FIGHTING CHILD SEX TRAFFICKING

The State of Utah is now ranked among the top in the nation for its dedication to the fight against minor sex trafficking, according to Shared Hope International.

In its yearly rankings, Utah received an 'A' for its dedication and strength of the state's laws related to the commercial sexual exploitation of children. In 2011, Utah received an 'F'. The amount of progress is due to many factors and dedicated partners, including the tireless efforts of Utah Attorney General Sean D. Reyes, the Attorney General SECURE Strike Force, the ICAC Task Force, the UTIP Task Force, legislation passed by the Utah Legislature, and the dedication and commitment of the Governor's office.

Every year, Shared Hope International, a non-profit organization dedicated to eradicating minor sex trafficking, releases report cards for each state in the nation with a grade based on the strength of their laws related to the commercial sexual exploitation of children. Grades are based on an annual review of state laws as analyzed under the Protected Innocence Challenge Legislative Framework.

States are graded on the analysis and review of six areas:

- Criminalization of Domestic Minor Sex Trafficking
- Criminal Provisions for Demand (those who buy)
- Criminal Provisions for Traffickers (those who sell)
- Criminal Provisions for Facilitators (those who help)
- Protective Provisions for Child Victims
- Criminal Justice Tools for Investigation & Prosecution

"Combatting human trafficking is an absolute priority for our office. There are incredible, dedicated people who work hard every day as part of this effort, and that work is far from over. We will continue to do everything we can to fight this heinous activity."

-Attorney General Sean D. Reyes



CHILD PROTECTION

OVERVIEW

The Child Protection Division provides judicial protection for children who are in imminent danger or at risk of abuse or neglect. Division attorneys work in tandem with partners in the Utah Division of Child and Family Services (DCFS) to ensure that evidence is clear and that proper legal processes are followed whenever the state decides that it is necessary to intrude into the privacy of a family in order to protect a child.

RESPONSIBILITIES

- Present evidence of abuse and neglect to prove that a child is in need of the court's protection.
- Provide DCFS with legal advice on its duties and responsibilities, and represent the agency in making its recommendations regarding a child and its family to the court.
- Assure that court orders entered for the protection of the child and for the rehabilitation of the family are enforced.
- Bring legal action to provide supervision and services in the home or to determine an alternative permanent living arrangement for an abused or neglected child when a family fails or refuses to remedy the abuse or neglect within the time allowed by law and the behavior makes the home unsafe for the child.



BY THE NUMBERS



TOTAL NUMBER OF
JUVENILE COURT CASES

3,350



TOTAL NUMBER OF
TRIALS

2,303



AVERAGE JUVENILE
COURT CASE LOAD PER
ATTORNEY

105



TOTAL NUMBER OF HEARINGS

13,410



TOTAL NUMBER OF
APPEALS

67



TOTAL NUMBER OF
ADMIN REVIEWS

149



CHILD & FAMILY SUPPORT

OVERVIEW

The Division of Child & Family Support represents the Office of Recovery Services (ORS) in establishing paternity, enforcing and modifying child support orders, and ensuring child support orders are received to recover improperly received public benefits.

RESPONSIBILITIES

- Establish paternity
- Enforce and modify child support orders
- Ensure child support orders are recovered properly

Additionally, the division works in the areas of probate, torts, and bankruptcy.

BY THE NUMBERS



DIVISION CASELOAD

3,109

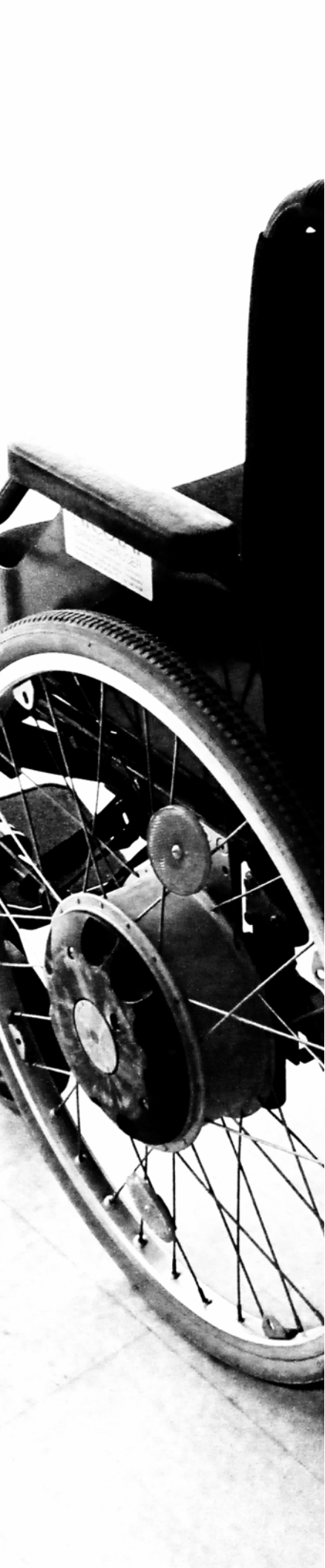


AVG. CASELOAD PER ATTORNEY*

173

**Does not include cases in which the agency did not refer the file*





MEDICAID FRAUD CONTROL UNIT

OVERVIEW

The Medicaid Fraud Control Unit (MFCU) is a division of the AGO that investigates and prosecutes Medicaid fraud committed by providers of medical services, products, and drugs, including patient abuse and neglect. It lowers medical and drug costs for Utah consumers and employers by challenging fraudulent practices that result in over-payments to Medicaid. Cases range from local prosecutions of doctors and facilities that charge Medicaid for services that were not provided, to participating in national lawsuits against drug companies that conspire to limit competition for generic drugs.

NOTABLE PROSECUTIONS

State v. Adam Lim

In one particularly complex case, eleven patients in multiple health care facilities complained that Adam Lim, a nurse in the employ of the facilities, had abused them sexually while they were under his care. By the time the case was referred to our office, some of the victims had passed away. Furthermore, the court limited our office to trying only three of these cases with juries. Due to the medications that they were on at the time, all three of those victims had been ignored when they originally disclosed the abuse. However, our attorney was able to use medical records to show the jury that each victim was lucid, aware, and responsive when they suffered the abuse, and they reported it soon after the incidents. The jury found Lim guilty of all charges, which included two first degree felonies for object rape and one second degree felony count of Aggravated Sexual Assault.

On December 7, 2019, the defendant was sentenced to two consecutive five to life sentences.

NOTABLE PROSECUTIONS CONT.

State v. Knox

This case involved a caretaker at an assisted living facility who physically abused two elderly residents. Some of the caretaker's actions were caught on video and showed the defendant using his elbow to strike one resident in the abdominal or pelvic area. Another video segment showed the defendant using excessive force to turn the resident, change his briefs, and move the resident in bed. When interviewed, the defendant admitted to performing similar actions with an elderly female resident. The defendant was initially arrested by Clearfield Police Officers and the case was turned over to MFCU for further investigation and prosecution. MFCU filed four counts of Aggravated Abuse, Neglect or Exploitation of a Vulnerable Adult (three 2nd degree felonies and one 3rd degree felony).

The defendant entered a plea of guilty to two counts of Aggravated Abuse, both 2nd degree felonies. The defendant was sentenced on April 15, 2019 to serve 1 year in jail, with no credit for time served leading up to sentencing. Additionally, the defendant was excluded from working in a health care facility by the federal Office of Inspector General.

State v. Baker

The defendants were named as Representative Payees for the victim so that they could receive her Social Security payments and pay her bills. The victim, a vulnerable adult unable to manage her own finances, was the mother of one of the defendants. The victim lived in a skilled nursing facility and the defendants did not pay for her care throughout the period of exploitation, approximately 9 months. The skilled nursing facility alerted MFCU that the victim was receiving Social Security, but that her finances were not being properly managed.

The defendants both pled guilty on August 19, 2019 to Class A misdemeanors for Exploitation of a Vulnerable Adult. At sentencing, they were both placed on probation for 24 months and ordered to complete 300 hours of community service. They paid full restitution at the time of sentencing.

State v. Maloy

The defendant was a medical technician at a Beehive Home for vulnerable adults. One night, the defendant

BY THE NUMBERS



NUMBER OF TOTAL
CASES OPENED

79



NUMBER OF TOTAL
CASES CLOSED

63

was the only caretaker on duty and was assigned to care for all people at the Beehive Home. That evening, the defendant diverted medications that were to be given to the residents and then walked off duty, leaving approximately nine residents with no care or supervision. The next day, a fellow worker came on shift and found an elderly resident walking around naked, two additional residents who had soiled themselves because they could not get out of bed without assistance, and three residents who had gone hours without receiving needed pain medications because the medications had been taken by the defendant.

The defendant entered a guilty plea on August 29, 2019 to one count of Intentional Abuse or Neglect of a Vulnerable Adult, a Class A Misdemeanor, and one count of Attempted Possession or Use of a Controlled Substance, a Class B Misdemeanor.

Medicaid Fraud

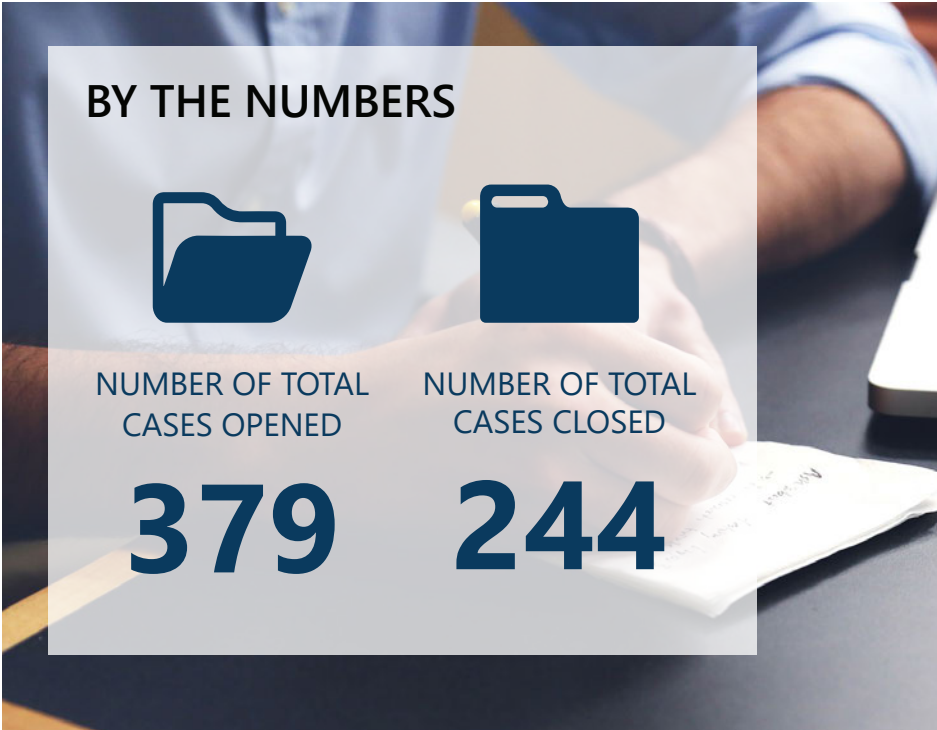
MFCU worked on two cases with the U.S. Attorney's Office this past year involving physicians who had purchased pharmaceutical drugs or devices from foreign manufacturers and/or distributors and then used these drugs or devices in the treatment of their patients. The drugs or devices were not FDA approved and were considered to be misbranded and/or adulterated. These cases resulted in civil settlements, with both physicians paying back Medicare and Medicaid for all losses.



WHITE COLLAR & COMMERCIAL ENFORCEMENT

OVERVIEW

The White Collar & Commercial Enforcement (WCCE) Division serves as agency counsel for the Utah Department of Commerce and its various divisions including: the Division of Occupational and Professional Licensing (DOPL), the Division of Consumer Protection, the Division of Real Estate, the Division of Securities, and the Division of Corporations and Uniform Commercial Code. WCCE represents the Commerce agencies in varying licensing and enforcement matters before professional boards and commissions, as well as in state and federal court.



BY THE NUMBERS



NUMBER OF TOTAL
CASES OPENED

379



NUMBER OF TOTAL
CASES CLOSED

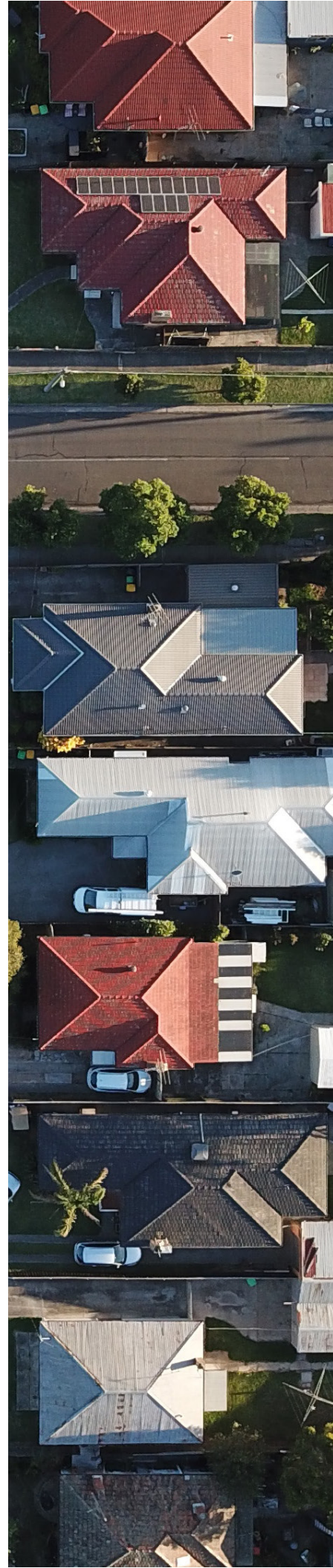
244

MORTGAGE & FINANCIAL FRAUD

OVERVIEW

The Mortgage & Financial Fraud Division is a criminal unit. Its mission is to diligently and ethically investigate and prosecute mortgage fraud and other major financial fraud committed within the State of Utah. In every case, the division pursues justice on behalf of the state and victims of fraud and vigorously applies its resources toward investigation, prosecution, and financial remedies and recovery. The division specializes in felony-level multi-jurisdictional investment fraud matters and prosecutes large-scale communications fraud, theft, and racketeering cases.

The division protects Utah citizens by prosecuting many varieties of white collar crime, including mortgage fraud, securities fraud, communications fraud, affinity fraud, general consumer fraud, and other fraudulent conduct that threatens Utah consumers and businesses. Attorneys in this section aggressively prosecute fraud perpetrated against the most vulnerable citizens of Utah, in particular the elderly. The division works closely with many state and federal agencies to accomplish its goals. The division prosecutions can range from cases involving a single victim and a small loss to sophisticated schemes with hundreds of victims and millions of dollars in lost money and assets. The division regularly monitors and enforces all restitution orders against those people the unit convicts, and every year the unit returns substantial amounts of restitution to victims of these crimes.



BY THE NUMBERS



NEW CRIMINAL CASES OPENED

27



CRIMINAL CASES CLOSED

25

RESTITUTION ORDERED
UPON CONVICTION

\$3,280,345

RESTITUTION COLLECTED
THROUGH AG'S OFFICE*

\$1,695,082

*Does not include restitution collected through AP&P or OSDC, nor restitution for tax cases paid directly to the State Tax Commission



NOTABLE CASES

State v. Clint Norhdal

In connection with the offer and/or sale of securities, Mr. Nordahl directly or indirectly made untrue statements of material facts and/or omitted to state material facts to approximately 50 victims and collected over two million dollars. Mr. Nordahl pled guilty to one count of securities fraud (enhanced) and one count of pattern of unlawful activity. Based upon the defendant's conviction of securities fraud, a second degree felony with a sentencing enhancement, the Court sentenced Mr. Nordahl to 3 to 15 years in the Utah State Prison, and further sentenced Mr. Nordahl to 1 to 15 years in the Utah State prison with respect to the pattern of unlawful activity charge. The counts were ordered to run consecutive to each other. The Court ordered restitution in the amount of \$2,421,538.00.

State v. Shannon Fitzgerald

This was a securities fraud case involving investment contracts in which Ms. Fitzgerald participated in conversations with investors and, either directly or indirectly, made material omissions and/or misrepresentations of material facts. The case was tried by Assistant Attorney General Wayne Jones. At trial, the defense asserted a compulsion defense, alleging her co-defendant husband coerced her into participating. The jury convicted her of 11 counts of securities fraud and one count of pattern of unlawful activity. The Court subsequently merged some of the securities counts. Ms. Fitzgerald was placed on supervised probation and ordered to pay complete restitution in the amount of \$106,000.

State v. Keith Lignell

This was a securities fraud case involving investment contracts in which Mr. Lignell made material omissions and/or misrepresentations of material facts. Assistant Attorney General Wayne Jones tried this material in June 2019. The jury convicted Mr. Lignell of three counts of securities fraud. The Court ordered Lignell to pay restitution in the total amount of \$32,400 and ordered him to serve 60 days jail as a term of probation.

State v. Dennis Iverson

Mr. Iverson had failed to file income taxes since 1994. Mr. Iverson represented himself at trial. In March 2019, the jury convicted Mr. Iverson of 13 felony counts related to tax evasion and failing to file his taxes. Throughout the criminal process, he challenged the court's jurisdiction over him and contested his tax liability. During the presentence investigation process and during sentencing, Mr. Iverson made statements challenging the court's jurisdiction and expressed unwillingness to pay restitution to the Utah State Tax Commission. The Court sentenced him to prison based upon his convictions. The terms were run concurrently and the Court also ordered restitution in the amount of \$25,062 to the Utah State Tax Commission.

State v. Kartchner

Mr. Kartchner filed false tax returns to the Utah Tax Commission declaring zero "income" and failed to file income tax returns in other years. In October 2019, a jury convicted Mr. Kartchner of 15 felony counts related to tax evasion and failing to file his taxes. Mr. Kartchner is currently awaiting sentencing in January 2020.

