M/007/0040

Emily Berry <emilyberry@utah.gov>

Fwd: Bruin Point Mine NOI, American Oil Sands v. Hunt Oil

1 message

Dana Dean <danadean@utah.gov> Fri, Jul 10, 2015 at 3:20 PM
To: Emily Berry <emilyberry@utah.gov>

FYI, for the files. Under Bruin Point.

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Dana Dean, P.E.
Associate Director - Mining
Utah Division of Oil, Gas and Mining

ogm.utah.gov

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--------- Forwarded message ---------
From: **Steve Alder** <stevealder@utah.gov>
Date: Fri, Jul 10, 2015 at 2:54 PM
Subject: Bruin Point Mine NOI, American Oil Sands v. Hunt Oil
To: Norman Johnson <normanjohnson@utah.gov>, Mike Johnson <mikejohnson@utah.gov>, John Robinson <jrobinson@utah.gov>, Douglas Crapo <douglascrapo@utah.gov>, Connie Burnside <connieburnside@utah.gov>, Renee Fasbender <rfasbender@utah.gov>
Cc: John Baza <johnbaza@utah.gov>, Dana Dean <danadean@utah.gov>, Paul Baker <paulbaker@utah.gov>, April Abate <aprilabate@utah.gov>, Mike Bradley <mbradley@utah.gov>, Leslie Heppler <lheppler@utah.gov>, Wayne Western <waynewestern@utah.gov>

The NOI for the above mine is currently under consideration by the Division of Oil, Gas and Mining. Due to a potential conflict of interest, John Robinson, Jr. will represent the Division of Oil Gas and Mining with regard to the review of the application for a permit. Any hearings regarding the permit will also be handled by him or other attorneys as assigned. I am not to be consulted regarding the matter and the attached screening memorandum should be placed in the files to prevent inadvertent unauthorized communications.

I apologize for any inconvenience this may cause.

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Steve Alder
Assistant Attorney General
1594 West North Temple St. #300
Salt Lake City, UT 84116
tel 801 538 5348
stevealder@utah.gov

bruin point NOI Intra-Divisional-Conflict-Screen-Memo (1).docx
22K

[For intra-divisional conflicts]
OFFICE OF THE ATTORNEY GENERAL
INTERNAL MEMORANDUM

TO: FILE
FROM: Steve Alder, Assistant AG
RE: Bruin Point Mine application and American Oil Sands, LLC
DATE: July 10, 2015

The purpose of this memorandum is to establish a conflict screen in the above-referenced matter ("the matter"), currently being handled by this Division. The matter governed by this screen is all consultation and assistance with a permit application, and any hearing of protests or objections before the Division or the Board of Oil, Gas and Mining or court related to the the Bruin Point oil sands mine proposed for operation at the head of Range Creek, east of the city of Sunnyside, in Carbon County, Utah. The mine permit is being opposed by Hunt Oil Company, among others. Hunt Oil is represented by Kelly Williams, of Wellborn and Sullivan et al. American Oil Sands is represented by Mike Malmquist of Parsons, Behle, and Latimer. Because of an actual or potential conflict of interest, Steve Alder is screened from the matter. In order to maintain an effective screen, the following procedures shall be implemented immediately:

Communication Forbidden. Screened employee shall not communicate with employees on the other side of the screen about the matter, except to the extent that (1) any such communication would be clearly permissible with opposing counsel in the matter, such as giving the status of the case matter or other publicly available information, or (2) the client consents after consultation as provided in applicable rules of professional conduct, including, as applicable, rules 1.6, 1.7, 1.9, 1.11, and 5.3, Utah Rules of Professional Conduct.

Communication with persons not screened off by this memo. No consultation with an employee of the Attorney General's Office who is not on either side of the screen described herein, shall occur without first providing a copy of this memo to the person being consulted, advising the person that he or she is thereafter on the same side of the screen as the person consulting with them. A signed receipt for the memo may be required. If a person not initially screened is later consulted, this screen shall be amended to reflect the updated list of screened persons and distributed.

Sequestration of Physical Files. Screened employees are barred from access to physical files relating to the matter. The attorney with primary responsibility for the matter shall ensure that the files are stored in either (1) locked file drawers, provided the screened employees have no access to the keys; or (2) a location physically separated from the screened employees' work places, such as in another employee's private office or other appropriately secured area.

Sequestration of Computer Files. Screened employees are barred from access to computer files relating to the matter. Files relating to the matter shall not be placed on the shared drive. At the direction of the attorney with primary responsibility for the matter, the chief of the Computers Section of the Administration Division shall ensure that employees outside that division are denied visibility and access rights (sometimes referred to as "read/write access") to any electronic file containing non-public information. Employees with rights to screened files shall lock their workstations or log out when leaving their computers unattended under circumstances where a screened employee could access the files.

Supervision. If a screened employee has any supervisory authority over employees handling the matter, the relevant division chief or chief deputy attorney general shall appoint an acting supervisor for the purpose of supervising the matter.

Captions. The screened employees' names shall not appear on any document prepared or filed in connection with the matter (excluding office letterhead).

Notification. Copies of this memorandum shall be (1) attached to the inside cover of every physical file relating to the matter, and (2) distributed by electronic mail to the chief of the Computers Section, the Division Chief, and every screened employee; and (3) sent by electronic or ordinary mail to any affected client. The Computers Section chief shall archive the email he or she receives.

Acknowledgment. The chief deputy, division chief, screened employees, and chief of computers section must, by return electronic mail, acknowledge receipt of this memorandum and by so doing agree to comply with the conflict screen. Depending on the circumstances, such acknowledgment must be received before the representation can be undertaken or continued.

cc: Norm Johnson, chief deputy
Mike Johnson, division chief
Steve Alder attorney
chief of Computers Section
John, Baza, Dana Dean, and Paul Baker
For Division of Oil, Gas and Mining