

BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS

IN THE MATTER OF:	:	
	:	
MICHELLE GROVE,	:	
	:	
Requester,	:	
	:	
v.	:	No. AP 2018-1115
	:	
GREGG TOWNSHIP,	:	
	:	
Respondent.	:	
	:	

RESPONDENT'S RESPONSE TO REQUESTER'S APPEAL

The Respondent, Gregg Township, hereby files this Response to Requester's Appeal, stating in support thereof as follows:

I. Factual Background

In this matter involving the Pennsylvania Right-to-Know Law ("Law"), 65 P.S. §§ 67.101 to 67.3104, Requester Michelle Grove ("Ms. Grove") filed a Standard Right-to-Know Request Form with Respondent Gregg Township ("Township") on June 11, 2018. Ms. Grove's request was as follows:

* 10/26/2016 – 12/31/2017 All emails to/from Doug Bierly with the keyword: "prothonotary"
Search all email accounts used by Doug Bierly for township business and include all replies. ELECTRONIC or INSPECTION

Standard Right-to-Know Request Form (June 11, 2018).

Jennifer Snyder is the Right-to-Know officer for Gregg Township. In her attestation, Ms. Snyder confirms that, on June 18, 2018, the Township responded to Ms. Grove's request by requesting a thirty-day extension. *Snyder Attestation* ¶ 3. Ms. Snyder then responded to the

request on June 26, 2018, by confirming that the only responsive documentation was privileged documentation that involved communications with counsel. *Id.* ¶¶ 5-7. Ms. Grove now appeals.

II. Legal Argument: The Township Has No Documentation That Is Not Privileged, and There Is No Obligation to Provide Privileged Documentation.

Under 65 P.S. § 67.506(C)(2), the Law exempts from disclosure all records that are protected by the attorney-client privilege. Mr. Bierly is a township supervisor who has no day-to-day interaction with the court system. It should thus be no surprise that the request for records that reference “prothonotary” has only yielded communications involving the Township’s solicitor. All such communications related to then-ongoing legal matters, and the Township has not waived privilege regarding those communications. The requested records are, therefore, exempt from disclosure.

III. Conclusion

For the reasons set forth above, the Respondent, Gregg Township, respectfully requests that the appeal filed by the Requester, Michelle Grove, be denied.

Respectfully submitted,



David S. Gaines, Jr.
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Counsel for Respondent

Dated: June 27, 2018

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MICHELLE GROVE,

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v.

GREGG TOWNSHIP,

Respondent.

No. AP 2018-1115

ATTESTATION OF JENNIFER SNYDER

I, Jennifer Snyder, make the following attestation under the penalty of perjury:

1. I am the Right-to-Know Officer for the Respondent, Gregg Township ("Township"), Centre County, and am responsible for responding to Right-To-Know requests filed with the agency.

2. In my capacity as the Open Records Officer, I am familiar with the records of the Agency.

3. I received a Standard Right-to-Know Request Form from Michelle Grove on June 11, 2018, which requested the following information:

* 10/20/2016-12/31/2017 All emails to/from Doug Bierly with the keyword: "prothonotary"
Search all email accounts used by Doug Bierly for township business and include all replies. ELECTRONIC or INSPECTION

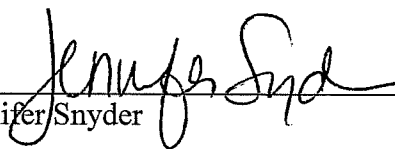
4. On June 18, 2018, I responded to Ms. Grove's request and filed a 30-Day extension.

5. As set forth in Ms. Grove's appeal paperwork, I responded on behalf of the Township on June 26, 2018 denying the request.

6. Upon receipt of Ms. Grove's request, I contacted Mr. Bierly and asked him to perform a search of his email accounts (all email accounts used for township business) regarding the keyword "prothonotary". He provided me with all email with the keyword prothonotary for dates requested in the search. I sent these email to our solicitor to make a determination if said records fall under attorney/client privilege.

7. After conducting a good-faith search of the agency's files and inquiring with relevant Township personnel, I denied the request due to the only available documents that were responsive to the request fell under attorney/client privilege as directed by the township solicitor. This determination was emailed to the requestor on Tuesday, June 26, 2018.

8. I hereby certify that the facts contained in the foregoing Attestation are true and correct to the best of my knowledge, information, and belief, and that I make this Attestation subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.


Jennifer Snyder

Dated: June 27, 2018

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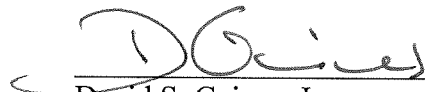
Respondent.

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CERTIFICATE OF SERVICE

I, David S. Gaines, Jr., hereby certify that a true and correct copy of this Response to Requester's Appeal was served by United States first-class mail, postage prepaid, on this twenty-seventh day of June, 2018, addressed as follows:

Michelle Grove
P.O. Box 253
Spring Mills, PA 16875



David S. Gaines, Jr.

Dated: June 27, 2018