

BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS

IN THE MATTER OF:	:	
	:	
MICHELLE GROVE,	:	
	:	
Requester,	:	
	:	
v.	:	No. AP 2018-1655
	:	
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 filed a Standard Right to Know Request Form with Respondent Gregg Township ("Township") on August 14, 2018. Ms. Grove's request was as follows:

- * Advisory board recommendations-Joel.doc (the attachment sent by email in February 2018 subject "Old Gregg School")
 - * Email sent from Keri Miller to Joel Myers on January 30, 2018.
- Make sure all emails in chain are visible and include all replies.

Standard Right-to-Know Request Form (Sep. 8, 2018).

Jennifer Snyder is the Right-to-Know officer for Gregg Township. In her attestation, Ms. Snyder confirms that, on September 10, 2018, the Township provided a comprehensive response to Ms. Grove's request. *Snyder Attestation* ¶ 3. Ms. Grove now appeals. The appeal only

challenges the disclosure of the “Advisory board recommendations” paperwork and not the requested email.

II. Legal Argument

A. Ms. Grove Has No Standing to Appeal the Township’s Decision Because the Township Granted Her Request.

As a preliminary matter, Ms. Grove has no standing to pursue this appeal. 65 P.S. § 67.1101 governs the circumstances under which an individual may file an appeal to the Office of Open Records. According to that section, an individual may only appeal “[i]f a written request for access to a record is denied or deemed denied.” *Id.*

This request was not denied. To the contrary, the Township granted Ms. Grove’s request and provided all responsive documentation. Because there is no statute to support her appeal of an agency’s granting of her request, the Office of Open Records has no jurisdiction to entertain this appeal.

B. The Township Has Provided All Responsive Documentation in the Manner Requested by Ms. Grove.

Despite the inability of this appeal to appear before the Office of Open Records, Ms. Grove’s appeal should nonetheless fail. Ms. Grove requested copies of all documents responsive to her request. Ms. Grove received copies of those documents. The record, therefore, supports the Township’s response.

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: September 25, 2018

BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS

IN THE MATTER OF:

MICHELLE GROVE,

Requester,

v.

GREGG TOWNSHIP,

Respondent.

No. AP 2018-1655

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").

2. I received a Standard Right to Know Request Form from Michelle Grove on August 14, 2018, which requested the following information:

* Advisory board recommendations-Joel.doc (the attachment sent by email in February 2018 subject "Old Gregg School")

* Email sent from Keri Miller to Joel Myers on January 30, 2018.
Make sure all emails in chain are visible and include all replies.

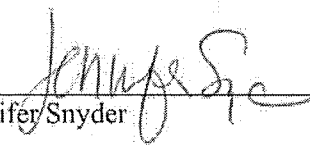
3. As set forth in Ms. Grove's appeal paperwork, I responded on behalf of the Township on September 10, 2018, granted the appeal, and provided all responsive documentation.

4. Ms. Grove complains that I did not provide her with the requested document in Microsoft Word format but instead provided the document to her in a PDF version.

5. However, Ms. Grove selected "Yes" to "DO YOU WANT COPIES?"

6. The material provided to Ms. Grove represented copies of the relevant documents.

7. 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: September 25, 2018

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Requester,	:	
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GREGG TOWNSHIP,	:	
	:	
Respondent.	:	
_____	:	

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 via email to michelleyvonnegrove@gmail.com on this twenty-fifth day of September, 2018.



David S. Gaines, Jr.

Dated: September 25, 2018