

BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS

IN THE MATTER OF:	:	
	:	
MICHELLE GROVE,	:	
	:	
Requester,	:	
	:	
v.	:	No. AP 2018-1771
	:	
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 September 14, 2018. Ms. Grove's request was as follows:

- * 4/13/18 – 4/26/18 Surveillance footage of Jennifer Snyder & Doug Bierly entering and exiting the building for beginning of shifts, ending of shifts, and lunch breaks. PRESERVE DATE & TIME STAMP
- * 6/22/2018 – 7/5/2018 SAME
- * 7/20/2018 – 8/1/2018 SAME

Standard Right-to-Know Request Form (Sep. 13, 2018).

Jennifer Snyder is the Right-to-Know officer for Gregg Township. In her attestation, Ms. Snyder confirms that, on September 21, 2018, the Township filed a thirty-day extension to

respond. *Snyder Attestation* ¶ 6. Ms. Grove now appeals, claiming that the Township responded more than five business days after her request.

II. Legal Argument : Ms. Grove's Appeal Cannot Prevail Because the Township Provided a Timely Response to Her Request.

Ms. Grove provided her request to the Township, through its Right to Know Officer, Ms. Snyder, at 3:13 p.m. on September 13, 2018. *Id.* ¶ 3. The Township's office is open, and Ms. Snyder generally works, Monday through Friday between the hours of 8:30 a.m. and 2:30 p.m. *Id.* ¶ 4. Ms. Snyder thus marked the request as received on the following morning, September 14, 2018. *Id.* ¶ 5.

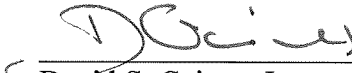
65 P.S. § 67.901 states, in relevant part, "The time for a response [to a request] shall not exceed five business days from the date the written response is received by the open-records officer for the agency." Given this "clear and unambiguous" language, "[t]he five business day period plainly begins when the open-records officer receives a request." *Commonwealth v. Donahue*, 98 A.3d 1223, 1238 (Pa. Commw. Ct. 2014). The period does not, as Ms. Grove suggests, begin immediately after the requester sends the request. *Id.*

The Township filed its extension five business days after September 14, 2018, specifically on September 21, 2018. The extension was, therefore, appropriate and lawful.

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.

Pa. I.D. No. 308932

MILLER, KISTLER & CAMPBELL

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Counsel for Respondent

Dated: October 9, 2018

BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS

IN THE MATTER OF:

MICHELLE GROVE,

Requester,

v.

GREGG TOWNSHIP,

Respondent.

No. AP 2018-1771

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 September 14, 2018, which requested the following information:

- * 4/13/18 – 4/26/18 Surveillance footage of Jennifer Snyder & Doug Bierly entering and exiting the building for beginning of shifts, ending of shifts, and lunch breaks. PRESERVE DATE & TIME STAMP
- * 6/22/2018 – 7/5/2018 SAME
- * 7/20/2018 – 8/1/2018 SAME

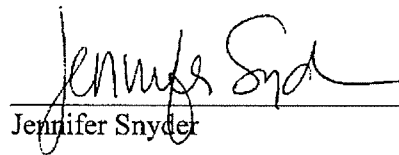
3. Ms. Grove sent the foregoing request at 3:13 p.m. on September 13, 2018. A copy of the email in which she filed this request is attached hereto as Exhibit 1.

4. The Township's office is opened Monday through Friday between the hours of 8:30 a.m. and 2:30 p.m.

5. On September 14, 2018, upon arriving at the township office, I dated the request submitted by Ms. Grove and determined the five-day response due date as September 21, 2018.

6. On September 21, 2018, I provided Ms. Grove with a request for extension, which is included in her appeal paperwork.

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: October 8, 2018

EXHIBIT 1

RTK Gregg Twp [Payroll Footage] AMENDED

1 message

----- Forwarded message -----

From: **Michelle Grove** <michelleyvonnegrove@gmail.com>

Date: Thu, Sep 13, 2018 at 3:13 PM

Subject: RTK Gregg Twp [Payroll Footage] AMENDED

To: <secretary@greggtownship.org>

This document was signed using Adobe Fill & Sign.
Get the app for iOS and Android.

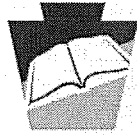
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Jennifer Snyder, CGA
Secretary/Treasurer
Gregg Township, Centre County
106 School Street
PO BOX 184
Spring Mills PA 16875
814-422-8218



RTK Gregg Twp.pdf
426K



pennsylvania

OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 9/13/2018

REQUEST SUBMITTED BY: ☒ E-MAIL ☐ U.S. MAIL ☐ FAX ☐ IN-PERSON

REQUEST SUBMITTED TO (Agency name & address): Gregg Township, 106 School Street,
PO Box 184, Spring Mills, PA 16875

NAME OF REQUESTER : Michelle Grove

STREET ADDRESS: PO Box 253

CITY/STATE/COUNTY/ZIP(Required): Spring Mills, PA 16875

TELEPHONE (Optional): 814-470-1132 EMAIL (optional): michelleyvonnegrove
@gmail.com

RECORDS REQUESTED: **Provide as much specific detail as possible so the agency can identify the information.*
Please use additional sheets if necessary

*4/13/18-4/26/18 Surveillance footage of Jennifer Snyder & Doug Bierly entering and exiting building for beginning of shifts, ending of shifts, and lunch breaks. PRESERVE DATE & TIME STAMP.

*6/22/2018-7/5/2018 SAME

*7/20/2018-8/1/2018 SAME

DO YOU WANT COPIES? ☒ YES ☐ NO ELECTRONIC

DO YOU WANT TO INSPECT THE RECORDS? ☒ YES ☐ NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? ☐ YES ☒ NO

DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100? ☒ YES ☐ NO

**** PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES ****
**** IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL ****

FOR AGENCY USE ONLY

OPEN-RECORDS OFFICER:

☐ I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE:

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*

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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 via email to michelleyvonnegrove@gmail.com on this ninth day of October, 2018.



David S. Gaines, Jr.

Dated: October 9, 2018