



RTK Number: _____

pennsylvania

OFFICE OF OPEN RECORDS

WORCESTER TOWNSHIP, MONTGOMERY COUNTY

STANDARD RIGHT-TO-KNOW REQUEST FORM

RECEIVED

15-1366⁰⁰²7/15

DATE REQUESTED: 7/8/15

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

NAME OF REQUESTOR: Jim Mollick

REQUESTOR STREET ADDRESS: _____

REQUESTOR CITY/STATE/COUNTY (Required): _____

REQUESTOR TELEPHONE (Optional): _____

REQUESTOR E-MAIL ADDRESS (Optional): _____

RECORDS REQUESTED:

**Provide as much specific detail as possible so the agency can identify the information.*

see Attached

DO YOU WANT COPIES? YES or NO

DO YOU WANT TO INSPECT THE RECORDS? YES or NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

see attached

RIGHT TO KNOW OFFICER: TOWNSHIP MANAGER OR ASSISTANT MANAGER

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5)-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.)

From: jim
Sent: Wednesday, July 08, 2015 1:04 PM
To: Erica Lucey
Cc: Steve Quigley; Susan Caughlan; Arthur Bustard
Subject: RTK request

Right to Know Officer,

At the 3/19/15 Worcester Board of Supervisors Meeting, Mr. Garrity made the following statement regarding a RTK request that I had made to Lower Gwynedd Township resulting in an email(s) being sent between Lower Gwynedd Township where Mr. Garrity is the Solicitor and Worcester Township.

Mr. Garrity stated,

"Dr. Mollick filed a right to know request in Lower Gwynedd Township where he doesn't live, for all legal bills related to Lower Gwynedd for a month or two. When Lower Gwynedd got the RTK request, they immediately recognized who had sent in the right to know request and said that **'Dr. Mollick is Worcester's problem, we're not going to pay this Bill'**. So it was originally billed to Lower Gwynedd, Lower Gwynedd refused to pay the bill because they felt it was an effort to harass me **in Lower Gwynedd Township and so that's how the e-mails ended up there**. I ended up not billing Lower Gwynedd for that, but producing the right to know response for Dr. Mollick and Lower Gwynedd and haven't heard anything about it since and can only assume that's what those e-mails were about." Mr. Garrity went on to note that there was "a billing only to Worcester for an email, I forget who it was to, maybe Lee, I don't remember, mentioning that **"Lower Gwynedd was taking the position that Dr. Mollick was not their problem."**

I have attached an audio clip of the segment of the meeting referenced for Mr. Garrity and Clement's review so that they may cease making unnecessary, inflammatory, factually inaccurate, personal statements regarding my requests.

I would like to point out the following,

1. Under Section 302 of the RTK Law, a local agency may not deny a requester access to a public record due to the intended use of the public record by the requester.
2. Under Section 703 of the RTK law, a written request need not include any explanation of the requester's reason for requesting or intended use of the records.
3. Under the RTK Law there is no restriction as to the number of requests a requester can make.
4. Your duties under the RTK Law are expressly listed as follows,

Under Section 502 (b) as follows,
Functions.—

(1) The open-records officer shall receive requests submitted to the agency under this act, direct requests to other appropriate persons within the agency or to appropriate persons in another agency, track the agency's progress in responding to requests and issue interim and final responses under this act.

(2) Upon receiving a request for a public record, legislative record or financial record, the open-records officer shall do all of the following:

(i) Note the date of receipt on the written request.

(ii) Compute the day on which the five-day period under section 901 will expire and make a notation of that date on the written request.

(iii) Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued under section 1101(b) or the appeal is deemed denied.

(iv) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester and a copy of other communications. This subparagraph shall only apply to Commonwealth agencies.

Under Section 902. Extension of time.

(a) Determination.—Upon receipt of a written request for access, the open-records officer for an agency shall determine if one of the following applies:

(1) the request for access requires redaction of a record in accordance with section 706;

(2) the request for access requires the retrieval of a record stored in a remote location;

(3) a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;

(4) a legal review is necessary to determine whether the record is a record subject to access under this

act;

(5) the requester has not complied with the agency's policies regarding access to records;

(6) the requester refuses to pay applicable fees authorized by this act; or

(7) the extent or nature of the request precludes a response within the required time period.

(b) Notice.—

(1) Upon a determination that one of the factors listed in subsection (a) applies, the open-records officer shall send written notice to the requester within five business days of receipt of the request for access under subsection (a).

(2) The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of 30 days, following the five business days allowed for in section 901, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice.

(3) If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the agency has not provided a response by that date.

Section 903. Denial. If an agency's response is a denial of a written request for access, whether in whole or in part, the denial shall be issued in writing and shall include:

- (1) A description of the record requested.
- (2) The specific reasons for the denial, including a citation of supporting legal authority.
- (3) The typed or printed name, title, business address, business telephone number and signature of the open-records officer on whose authority the denial is issued.
- (4) Date of the response.
- (5) The procedure to appeal the denial of access under this act

I should also alert you to Section 701 Access.

(a) General rule.—Unless otherwise provided by law, a public record, legislative record or financial record shall be accessible for inspection and duplication in accordance with this act. A record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists.

The following is a request for records made pursuant to the Right to Know Law ("RTKL"). Please be advised, the term "record" and "records" as used is defined under the Right to Know Law ("RTKL") as "Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document."

In light of the foregoing, the following records are requested,

1. A copy of any and/or all emails referenced by Mr. Garrity above in which Lower Gwynedd Township allegedly took the position that "Dr. Mollick was not their problem."
2. Any and/or all records of communication including but not limited to emails, documents, notes, memos, and/or faxes to and/or from Worcester Township, the Worcester Township Board of Supervisors collectively and/or individually and/or James Garrity and Lower Gwynedd Township, the Lower Gwynedd Township Board of Supervisors collectively and/or individually and/or their Solicitor regarding Dr. James L. Mollick over the past 9 months including but not limited to those involving RTK requests made by James L. Mollick at Lower Gwynedd Township and/or those involving Solicitor Garrity.
3. Any and/or all records of communication including but not limited to emails, documents, notes, memos, and/or faxes to and/or from the Worcester Board of Supervisors of Supervisors collectively and/or individually regarding Dr. James L Mollick including but not limited to Lower Gwynedd Township taking the position that "Dr. Mollick was not their problem" for the past 9 months.
4. Any and/or all records of communication including but not limited to emails, documents, notes, memos, and/or faxes to and/or from the Worcester Board of Supervisors collectively and/or individually and James Garrity regarding Dr. James L. Mollick including but not limited to Lower Gwynedd Township taking the position that Dr. Mollick was not their problem related to Dr. Mollick's request in Lower Gwynedd Township for the past 9 months.

I would like any and/or all of the emails referenced above regardless as to whether they are stored and/or maintained on personal computers and/or personal email accounts.

I would like any and/or all attachments included with these emails with the exception that if the attachment is a communication, document and/or email of mine I would like to inspect it prior to any duplication/redaction/or copying cost. This applies to any emails that contain my email address.

...usly my email address should not require redaction because that document is being requested by me. If the
...nship intends to redact any document solely based upon the fact that it only contains my email address, I would like
...inspect that document and/or communication prior to incurring any copying cost.

I would the records in electronic medium. Please scan and send electronically. If you maintain the records in pdf
format, please provide them in this format as well.

Thanks

Jim Mollick