

LUZERNE COUNTY
OFFICE OF LAW
ROMILDA P. CROCAMO, ESQUIRE
CHIEF COUNTY SOLICITOR



LUZERNE COUNTY
COUNTY MANAGER
C. DAVID PEDRI, ESQUIRE

COUNTY of LUZERNE
P E N N S Y L V A N I A
ESTABLISHED 1786

September 22, 2017

Sean Banul
322 Madison Street
Wilkes-Barre, PA 18705
Email: seanbanul1@gmail.com
RE: RTK Request # 17-142

Dear Mr. Banul:

Thank you for writing to Luzerne County with your request for information pursuant to the Pennsylvania Right-To-Know law. My email is Jackie.Carroll@luzernecounty.org.

On August 28, 2017, the Luzerne County Office of Law received a request for documents from you described in the attached Right to Know request. We obtained an extension until September 28, 2017. Your request is denied for the following reasons pursuant to the Pennsylvania Right to Know Law ("RTKL").

There is not an ordinance pertaining to protection against discrimination on the grounds of sexual or gender orientation passed by Luzerne County Commissioners or Council. Attached is Resolution 2017-26 which was a defeated ordinance (2-7 with two abstentions) defeating said ordinance on August 9, 2016.

Further, we have no such ordinance passed on this matter since Home Rule began in 2011. Further, Clerk of County Council, Sharon Lawrence, has not been able to locate any such ordinance that you are requesting.

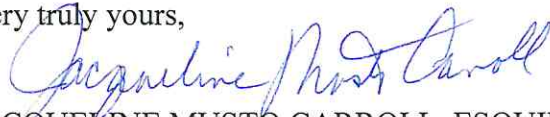
Luzerne County does not maintain the records requested by you, therefore, your request is denied pursuant to §705 of the RTKL. §705 of the RTKL states that "when responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record".

Page Two
September 22, 2017

You have a right to appeal this denial of information in writing to Office of Open Records, Commonwealth Keystone building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

If you choose to file an appeal for any reason, you must do so within 15 business days of the mailing date of the agency's response. Section 1101. If you have further questions, please contact me. Please be advised this correspondence will serve to close this request with our office as permitted by law.

Very truly yours,

A handwritten signature in blue ink that reads "Jacqueline Musto Carroll". The signature is written in a cursive, flowing style.

JACQUELINE MUSTO CARROLL, ESQUIRE
Luzerne County – Open Records Officer



RTK REQUEST NUMBER

DATE RECEIVED

5 DAY RESPONSE DATE



COUNTY OF LUZERNE

RIGHT TO KNOW LAW REQUEST FORM

NAME OF REQUESTER: Banul Sean M
(PLEASE PRINT CLEARLY) LAST FIRST MI

MAILING ADDRESS: 322 Madison Street
STREET / P.O. BOX

Wilkes-Barre PA 18705
CITY STATE ZIP CODE

PHONE # 570-472-4638 FAX# _____

EMAIL ADDRESS: seanbanul1@gmail.com

SIGNATURE: *Sean Banul* DATE: 08/25/17

RECORDS REQUESTED - Requesters MUST specify the document(s) sought. Please use additional pages if necessary.
Ordinances pertaining to protection against discrimination on the grounds of sexual or gender orientation.

Note: Chapter 14 and 49 of the Wilkes-Barre and Pittston city codes, respectively, is a perfect example of the ordinance I am looking for on the county level.

PLEASE CHECK ONE OF THE FOLLOWING:

- I AM ONLY REQUESTING ACCESS TO THE DOCUMENT(S)
- I AM REQUESTING A HARD COPY OF THE DOCUMENT(S) (PAPER, CD, etc...)
- I AM REQUESTING AN E-FILE OF THE DOCUMENT(S) (IF AVAILABLE) (PDF, EXCEL SPRDSHT, etc...)

PLEASE NOTE: LUZERNE COUNTY IS NOT REQUIRED TO CREATE A RECORD WHICH DOES NOT CURRENTLY EXIST OR TO COMPILE, MAINTAIN, FORMAT OR ORGANIZE A RECORD IN A MANNER IN WHICH THE AGENCY DOES NOT CURRENTLY COMPILE, MAINTAIN, FORMAT OR ORGANIZE THE RECORD

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Right-To-Know Response Form

Date: August 28, 2017
Date Request Received: August 28, 2017
Five Business Day Response Date: September 4, 2017
RTK Request #17-142

Sean Banul
322 Madison Street
Wilkes-Barre, PA 18705
Email: seanbanul1@gmail.com

Thank you for writing to Luzerne County with your requests for information pursuant to the Pennsylvania Right-To-Know Law.

Your requests for information have been received and are under review. The Pennsylvania Right-To-Know Law requires a response within five (5) business days; however, we require a thirty (30) day extension for the following reason(s):

- (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.

Page Two

You should expect a response to your requests no later than September 28, 2017.

Very truly yours,

JACQUELINE MUSTO CARROLL, ESQUIRE
Luzerne County – Open Records Officer
200 North River Street
Wilkes-Barre, PA 18711