

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

December 4, 2017

Josef G. Obernier, Sr.
152 Baker Road
West Brandywine, PA 19320
Email: josefgoberniersr@oacns.com
RE: RTK Request # 17-221

Dear Mr. Obernier:

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 December 4, 2017, the Luzerne County Office of Law received a request for documents from you described in the attached Right to Know request. Your request is denied for the following reasons pursuant to the Pennsylvania Right to Know Law ("RTKL").

There were no tax collectors who signed and submitted a Candidate's Affidavit or Write-In Acceptance.

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".

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,

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

From: Josef G. Obernier, Sr. <josefgoberniersr@oacns.com>
Sent: Wednesday, November 22, 2017 2:22 PM
To: Crake-Lapsansky, Shannon
Subject: Right To Know Request



pennsylvania

OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: November 21, 2017

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

REQUEST SUBMITTED TO: LUZERNE COUNTY

Shannon Crake Lapsansky, Esquire - County Open Records Officer
200 N River St, Plains Twp PA 18702-2490

NAME OF REQUESTER: Josef G. Obernier, Sr.

STREET ADDRESS: 152 Baker Rd

CITY/STATE/COUNTY/ZIP: West Brandywine, PA, Chester County, 19320-1402

TELEPHONE: 610-331-7278 cell

EMAIL: josefgoberniersr@oacns.com

RECORDS REQUESTED: In the 2017 General Election,

1. All Write-In Winners for the Office of Tax Collector who have signed and submitted a "CANDIDATE'S AFFIDAVIT FOR WRITE-IN ACCEPTANCE – PUBLIC OFFICE", Name, Address, Party and Municipality.

If you do not have this information already available electronically; The written information is located on the "CANDIDATE'S AFFIDAVIT FOR WRITE-IN ACCEPTANCE – PUBLIC OFFICE" for those Candidates. An electronic scan or paper copy of the side of the Affidavit that shows Winner's Name, Address, Party and Municipality is requested.

If the Write-In Winners Name, Address, Party & Municipality is already posted to a webpage, a link to that page via return email is preferred and would satisfy item 1. above.

As I am unable to visit your office, please send me by return email the cost to duplicate and applicable postage. Please send cost immediately.

DO YOU WANT COPIES? YES, *electronic copies returned via email are preferred, if possible.*

DO YOU WANT TO INSPECT THE RECORDS? NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? NO

DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100? YES

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.)*

Attachments

- image001.jpg (5.28KB)
- image002.png (165B)