

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



LUZERNE COUNTY
COUNTY MANAGER
C. DAVID PEDRI, ESQUIRE

COUNTY of LUZERNE
PENNSYLVANIA
ESTABLISHED 1786

October 12, 2017

Timmy Suarez
Email: timmy.suarez@yahoo.com
RE: RTK Request # 17-173

Dear Mr. Suarez:

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 October 8, 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 granted.

Attached to this correspondence is the information you requested.

Had your request been denied, you would 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: Timmy Suarez <timmy.suarez@yahoo.com>
Sent: Friday, October 6, 2017 12:30 PM
To: Crake, Shannon
Subject: Latest Luzerne Public Records Request

Good day,

This email communication is a formal request for a copy of your county's "excess funds list," which I believe is maintained by your department. In case of any confusion, the excess funds to which I am referring are those arising in the case of a bid over the amount of property taxes owed at tax sale. I am only looking for uncollected surplus funds on unredeemed properties.

The information I need from the records is the tax sale date, owner's name, either the property address or owner's mailing address, and the amount of surplus funds due the owner. If you have these records in electronic format, I'd prefer the information that way. Otherwise, please let me know how much a hard copy of your list will be, and where and to whom to mail the check.

If you do not maintain a list of these surplus amounts, any advice on how I could collect that information from existing files you have would be very much appreciated!

If I have reached the wrong department, I would very much appreciate this email being forwarded to the correct department, with a carbon copy sent to me.

If there is anything I can do to aid or expedite the process, please let me know, as I'm eager to do whatever I can to make your job easier.

Thanks in advance,
Timmy Suarez.

P.S. Although I know most everyone in your office is likely familiar with the tax and public records access code, for quick reference and to allay any possible confusion about whether it may be permissible to allow the public inspection of the records, I've copied pertinent excerpts of (state you're working state code below). Thanks again.

§ 50-18-70. Inspection of public records; printing of computerized indexes of county real estate deed records; time for determination of whether requested records are subject to access; electronic access to records (a) As used in this article, the term "public record" shall mean all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, or similar material prepared and maintained or received in the course of the operation of a public office or agency. "Public record" shall also mean such items received or maintained by a private person or entity on behalf of a public office or agency which are not otherwise subject to protection from disclosure; provided, however, this Code section shall be construed to disallow an agency's placing or causing such items to be placed in the hands of a private person or entity for the purpose of avoiding disclosure. Records received or maintained by a private person, firm, corporation, or other private entity in the performance of a service or function for or on behalf of an agency, a public agency, or a public office shall be subject to disclosure to the same extent that such records would be subject to disclosure if received or maintained by such agency, public agency, or public office. As used in this article, the term "agency" or "public agency" or "public office" shall have the same meaning and application as provided for in the definition of the term "agency" in paragraph (1) of subsection (a) of Code Section 50-14-1 and shall additionally include any association, corporation, or other similar organization which: (1) has a membership or ownership body composed primarily of counties, municipal corporations, or school districts of this state or their officers or any combination thereof; and (2) derives a substantial portion of its general operating budget from payments from such political subdivisions. Public officers are not required to prepare reports or lists that are not already in existence; so for electronic lists you may have to get the entire database you're looking for and edit it down yourself: (d) No public officer or agency shall be required to prepare reports, summaries, or compilations not in existence at the time of the request. There is generally a three day requirement for response by the agency except for unusual circumstances: (f) The individual in control of such public record or records shall have a reasonable amount of time to determine whether or not the record or records requested are subject to access under this article and to permit inspection and copying. In no event shall this time exceed three business days. Where responsive records exist but are not available within three business days of the request, a written description of such records, together with a timetable for their inspection and copying, shall be provided within that period; provided, however, that records not subject to inspection under this article need not be made available for inspection and copying or described other than as required by subsection (h) of Code Section 50-18-72, and no records need be made available for inspection or copying if the public officer or agency in control of such records shall have obtained, within that period of three business days, an order based on an exception in this article of a superior court of this state staying or refusing the requested access to such records. Georgia specifically requires that electronic records be made available electronically: (g) At the request of the person, firm, corporation, or other entity requesting such records, records maintained by computer shall be made available where practicable by electronic means,

including Internet access, subject to reasonable security restrictions preventing access to nonrequested or nonavailable records.