



LACKAWANNA COUNTY DISTRICT ATTORNEY'S OFFICE

MARK POWELL

RECEIVED

JUL 18 2023

OFFICE OF OPEN RECORDS

July 11, 2023

Via USPS Regular Mail, Certified Mail and Email

Douglas J. Balish, Sr.
1336 State Route 502
Springbrook, PA 18444
and
Berk Demiral, Esquire
Commonwealth of PA
Office of Open Records
333 Market Street - 16th Floor
Harrisburg, PA 17101-2234
Via Email bdemiral@pa.gov

Dear Parties:

Pursuant to 65 P.S. §§67.503(b)(d), the Right-To-Know Law ("RTKL"), 65 P.S. §§67.101-3104 requires the Lackawanna County District Attorney's Office have an appeals officer designated for hearing appeals involved the RTKL.

Be advised, I serve in this capacity for the Lackawanna County District Attorney's Office. Recently, the Office of Open Records ("OOR") issued a final order transferring a RTKL appeal in the matter of Balish v. Lackawanna County District Attorney's Office, OOR Dkt. AP 2023-1387 to the Lackawanna County District Attorney's for final determination. Documents are enclosed herewith.

Having carefully reviewed the request from Mr. Balish, seeking records pertaining to the cost(s) of specific federal civil litigation, and related expenses borne by Lackawanna County Taxpayers involving the District Attorney and his staff members regarding the litigation of Stevens v. Sullum, et al, 20-01911. Specifically, please refer to the Open Records Request filed by Douglas J. Balish as attachment #1.

It is my decision that the records requested are, in part, exempt from the RTKL under the following:

Item #1 is provided as requested as Attachment #2: "It has been determined after a thorough search by the county's Revenue and Finance Dept., that these are the only responsive records to the RTKL request." It is my decision that items #2 and #3, as per the Open Records Request, are exempt under the RTKL based on P.S. §§67.705 "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," and therefore, these requests must be DENIED.

In closing, within 30 days of the mailing date of this final determination, either party may appeal to the Lackawanna County Court of Common Pleas.

Sincerely,



Gene P. Riccardo, ESQ,
RTKL Appeals Officer
Lackawanna County District Attorney's Office

GR/km
Enclosure(s)

Tuesday, May 2, 2023
~~Friday, April 7, 2023~~
~~Wednesday~~

Open Record Request

Douglas Balish
1336 state route 502
Spring Brook, PA . 18444
5/2/2023
~~04/07/2023~~
Office of the District Attorney, Lackawanna County, PA
Agency Open Records Officer
Attention of:
Ryan Finnerty
135 Jefferson Ave,
Scranton, PA 18503

2023 MAY -11 P 3:03
LACKAWANNA COUNTY
OFFICE OF THE
DISTRICT ATTORNEY

Dear Mr. Finnerty,

Under the PA Right to Know law, 65 s66.1 et seq. , I am requesting an opportunity to inspect or obtain copies of public records that pertain to the following:
generally, The cost of specific federal civil litigation, and related expenses, borne by Lackawanna county Taxpayers, involving District Attorney and his staff members.
Said litigation being

Sullum vs. Stevens, et all. 20-01911

specifically, I am seeking to review or obtain copies of the following information:

- 1) The name and address of Law Firm or Firms being paid with taxpayer resources, in relation to members of the District Attorney Staff Involvement in the Federal Civil Litigation known as Stevens vs Sullum, et all. 20-01911
- 2) The total cost of legal representation, borne by Lackawanna County, and its Taxpayers, to date, for the following 4 members Of District Attorney Offices, in relation to their involvement in Sullum vs Stevens 20-01911
District Attorneys employees involved and named in the Federal Lawsuit.
Mark Powell, DA
Judith Gardner Price, 1st assistant DA
Chris Kolchamo, DA Detective
Michelle Mancuso, DA Detective
- 3) the total amount of missed/lost time, from their hours of regular County Employment, of the above listed four (4) county employees, and its cost to Lackawanna County Taxpayers, due to the Employees years long involvement in the above referenced federal civil lawsuit. Costs, salary, and expenses Including , but not limited to
 - A) 4 above named employees attending hearings pertaining to "stevens vs sullum"
 - B) 4 above named employees attending depositions relative to "stevens vs sullum"
 - C) 4 above named employees to meet with attorneys relative to involvement in the civil lawsuit.
 - D) 4 above named county employees, on county time, meeting amongst themselves to discuss strategy, etc. specifically related to their involvement in stevens vs sullum, et all 20-01911
- 4) total Cost borne by Lackawanna County, and its Taxpayers to replace the above listed 4 county employees while they were otherwise diverted or distracted from their regular paid duties, specifically due to involvement in the civil litigation Stevens vs Sullum".

If there is any cost or fee for searching or copying these records, please inform me if the cost will exceed 50.00 (fifty dollars) .
However, I would also like to request a waiver of all fees, in that the disclosure of the requested information is in the public interest and will contribute greatly to the public understanding of - the true cost of improper ethical conduct in public offices. This information is not being sought for commercial purposes.
The PA Right to Know Law requires a response time within 5 (five) business days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or have the ability to inspect the requested records.

Sincerely
Douglas J Balish, Sr.
1336 State Route 502
Spring Brook, PA. 18444

Douglas Balish
4/7/23



Accounts Payable by G/L Distribution Report

Invoice Date Range 09/08/21 - 04/13/22

Vendor	Invoice No.	Invoice Description	Status	Held Reason	Invoice Date	Due Date	G/L Date	Received Date	Payment Date	Invoice Amount
Fund 101 - General Fund										
Department 100 - Non-Departmental Expenses										
7550 - CIPRIANI & WERNER P.C.	515759	FILE# 7142-83246S STEVENS VS LACK CO DA	Paid by Check # 330905		09/08/2021	10/08/2021	08/27/2021		10/22/2021	3,587.50
										\$ 3,587.50
7550 - CIPRIANI & WERNER P.C.	520806	FILE# 7142-70126S WILSON/FRITZ VS LACK CO	Paid by Check # 333134		10/08/2021	11/08/2021	09/22/2021		11/24/2021	1,075.00
										\$ 1,075.00
7550 - CIPRIANI & WERNER P.C.	520810	FILE# 7142-83246S STEVENS VS LACK CO DA	Paid by Check # 333134		10/08/2021	11/08/2021	09/29/2021		11/24/2021	1,737.50
										\$ 1,737.50
7550 - CIPRIANI & WERNER P.C.	527581	FILE# 7142-83246S STEVENS VS LACK CO DA	Paid by Check # 336024		11/05/2021	12/05/2021	10/29/2021	12/15/2021	01/31/2022	1,075.00
										\$ 1,075.00
7550 - CIPRIANI & WERNER P.C.	546393	FILE# 7142-83246S STEVENS VS LACK CO DA	Paid by Check # 338429		02/05/2022	03/05/2022	01/31/2022	02/17/2022	03/21/2022	4,290.00
										\$ 4,290.00
										\$ 11,765.00

**Lackawanna County
Attachment #2**



Accounts Payable by G/L Distribution Report

Invoice Date Range 09/08/21 - 04/13/22

7550 - CIPRIANI & WERNER P.C.	556832	FILE# 7142- 83246S STEVENS VS LACK CO DA	Paid by Check # 342366	04/13/2022	05/13/2022	03/31/2022	05/11/2022	06/01/2022	1,004.75
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CERTIFIED MAIL

LACKAWANNA COUNTY
DISTRICT ATTORNEY

135 Jefferson Avenue, Scranton, PA 18503



7021 1970 0001 2311 4621



US POSTAGE TM PITNEY BOWES



ZIP 18503 \$ 008.77⁰
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0000378807 JUL 12 2023

Berk Demiral, Esquire
Commonwealth of PA
Office of Open Records
333 Market Street - 16th Floor
Harrisburg, PA 17101-2234

17101-2234 16

A Postnet barcode consisting of vertical bars of two different heights, used for automated mail sorting.



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Agency: OPEN RECORDS

Floor:

External Carrier: PRIORITY

7/18/2023 10:42:29 AM



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