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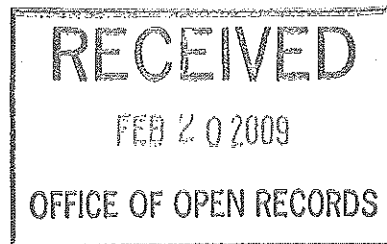
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## PENNSYLVANIA STATE ASSOCIATION OF COUNTY FAIRS

February 17, 2009

Commonwealth of Pennsylvania  
Office of Open Records  
Attn: Lucinda Glinn, Attorney  
400 North Street, Plaza Level  
Harrisburg, PA 17120-0225



RE: Advisory Opinion

Dear Attorney Glinn,

The Pennsylvania State Association of County Fairs respectfully requests an advisory opinion on whether 3 fairs (Crawford, Jefferson and Greene County Fairs) are subject to the "Open Records Law." Our fairs; with the exception of these 3, are non-profits or private corporations. These 3 fairs are operated by their counties.

1. Counties are public agencies and fall under the legislation.
2. The fairs operate under the supervision of the counties.
3. Are their records subject to the "Open Records Statute"?
4. And if so, do individuals that want access to the records go to the county or the county fair.
5. Most fairs are operated by volunteers and their offices are not open year round.

Thank you for any consideration given this advisory opinion request.

Sincerely,

Bruce C. Koppenhaver  
Secretary/Treasurer

[www.pafairs.org](http://www.pafairs.org)

[PSACF@pafairs.org](mailto:PSACF@pafairs.org)



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF OPEN RECORDS

March 24, 2009

Mr. Bruce C. Koppenhaver  
Secretary/Treasurer  
Pennsylvania State Association of County Fairs  
P.O. Box 546  
314 E. Market Street  
Gratz, Pennsylvania 17030

**Re: Advisory Opinion Request on Applicability of Right-to-Know Law to  
County Fairs Operated by Counties (Crawford, Jefferson & Greene)**

Dear Mr. Koppenhaver:

Thank you for writing to the Office of Open Records (“OOR”) with your February 17, 2009 request for an Advisory Opinion pursuant to the Right-to-Know Law, 65 P.S. §§67.101, *et seq.*, (“RTKL”).

You asked the OOR interpret the application of the RTKL to County Fairs that are operated by Counties. You provided facts upon which the Advisory Opinion could be based, and inquired whether the records of County Fairs would be subject to the RTKL.


Please be advised that the OOR has decided not to grant this request for an Advisory Opinion at this time. We are declining to accept this request because the request seeks response to general questions without presenting sufficient specific facts to which the law may be applied. However, the OOR provides the following guidance with respect to the questions you pose.

From your inquiry, it is unclear whether County governance is different from the County Fair governance; your letter does not include details about the governance of the three County Fairs in question to show a relevant distinction between the County Fairs and the three Counties. Based upon one of the reported appellate cases, the Greene County Fair has/had a County Fair Board which governed the County Fair, and had been subject to suit as a local agency defendant along with the County itself. *See Herman v. Greene County Fair Board, County of Greene*, 535 A.2d 1251 (Pa. Commw. 1988). In the RTKL context, County Fairs that are operated by Counties would fall under the umbrella of the County which qualifies as a local agency under the RTKL.

Noting the operational connection between the two, requests for County Fair information may be requested from the County. From your description, it is not clear what records are maintained by the County Fairs or how they are maintained apart from records of the County. This response presumes that the records of County Fairs are accessible to and within the control of the County such that a County ORO for Crawford, Jefferson or Greene County could respond to a proper RTK Request.

Thank you for your inquiry. We will reflect this response on the OOR website.

Respectfully,



Terry Mutchler