



December 2, 2021

Via email only

Fred C. Jug, Esq.  
fjug@bmr-law.com

RE: Request for Advisory Opinion

Dear Mr. Jug:

The Office of Open Records (“OOR”) is in receipt of your request for an Advisory Opinion concerning a request for a financial disclosure statement that was made to your client.

In light of the fact that there is a pending request and that an appeal of such request would be made to the OOR, the OOR declines to issue an advisory opinion in this instance. Further, I am unable to provide you with legal advice regarding the extent that you may redact or withhold the record.

However, I assume that the record you are referring to is a statement of financial interests filed under the Ethics Act. If so, 65 Pa.C.S. § 1104(e) concerns public inspection and copying of statements of financial interests.

Respectfully,

/s/ Kyle Applegate  
Kyle Applegate  
Chief Counsel

Cc: Elizabeth Wagenseller, Executive Director  
Nathanael Byerly, Deputy Director

**From:** Fred Jug  
**To:** [DC, OpenRecords](#)  
**Subject:** [External] Request for Advisory Opinion  
**Date:** Tuesday, November 30, 2021 4:20:21 PM  
**Attachments:** [doc01791720211130161222.pdf](#)  
[doc01791820211130161228.pdf](#)

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***ATTENTION:*** *This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).*

Dear Ms. Wagenseller: Please see the attached request for an Advisory Opinion on a request the Borough of Pleasant Hills in Allegheny County received today. Any assistance your office can provide in this matter is sincerely appreciated.

Fred C. Jug, Jr.  
BRANDT, MILNES & REA, P.C.  
310 Grant Street, Suite 1109  
Pittsburgh, PA 15219  
(412) 255-6500

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# BRANDT, MILNES & REA

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

310 GRANT STREET, SUITE 1109

PITTSBURGH, PENNSYLVANIA 15219-2202

TELEPHONE  
412-255-6500

FAX  
412-255-6504

November 30, 2021

*Via email only*

Liz Wagenseller  
Executive Directors  
Office of Open Records  
333 Market Street, 16th Floor  
Harrisburg, PA 17101-2234

Email: [openrecords@pa.gov](mailto:openrecords@pa.gov)

*In Re: Right-to-Know Law  
Request for Advisory Opinion*

Dear Ms. Wagenseller:

I am the Solicitor for the Borough of Pleasant Hills. On November 30, 2021, the Borough received the attached request under the Right-to-Know Law (the "RTKL") for the Financial Disclosure Statement for an individual who was just elected to serve his first term on Borough Council. Pursuant to the Office of Open Records' website and Section 1310(a)(2) of the RTKL, the Borough respectfully requests that your office provide the Borough with an Advisory Opinion regarding this matter. Specifically, the Borough respectfully requests that your office provide guidance as to whether the Borough is required to provide any information in response to this individual's request, or if the Borough is entitled to redact some or all of the information in the requested document.

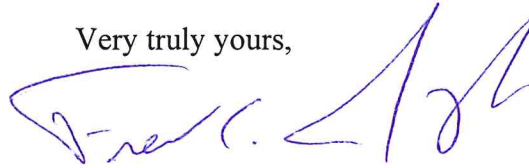
This request specifically relates to the application and implementation of the RTKL because Mr. Colin Miller's request directly cites to the RTKL. Additionally, 65 P.S. 67.708 provides certain exceptions to disclosures under the RTKL, including financial information in section (b)(6)(A). As of the date of this letter, the Borough is unaware of any litigation pending before the Office of Open Records or a court regarding any of the issues discussed in this request. To date, the only communication regarding this request that the Borough is aware of is the attached request from Mr. Colin Miller.

According to the Office of Open Records' website, the issuance of an Advisory Opinion may take up to ninety (90) days from the date the OOR grants a request, and, in some cases, it may take longer. However, the website also provides that if a request for an Advisory Opinion is time-sensitive, the applicant should state the reason they believe it is time-sensitive and the date by which they would like the Advisory Opinion to be issued. Because Mr. Miller has

already submitted this request the Borough respectfully requests that the Office of Open Records provide their Advisory Opinion on or before December 23, 2021 so that the Borough can timely respond to Mr. Miller.

If the Office of Open Records would like to discuss this matter further, I am available by phone at 412-255-6500 or by email at [fjug@bmr-law.com](mailto:fjug@bmr-law.com). Your kind attention to this matter is sincerely appreciated.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Fred C. Jug, Jr.", with a stylized flourish extending to the right.

Fred C. Jug, Jr.

FCJ/cls



### Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied.

SUBMITTED TO AGENCY NAME: Borough of Pleasant Hills (Attn: AORO)

Date of Request: 11/30/2021 Submitted via:  Email  U.S. Mail  Fax  In Person

**PERSON MAKING REQUEST:**

Name: Colin Miller Company (if applicable): Bootay Bevington and Nichols

Mailing Address: 310 Grant Street, 1102 Grant Building

City: Pittsburgh State: PA Zip: 15213 Email: cglmiller@gmail.com

Telephone: 2282435148 Fax: 4126508968

How do you prefer to be contacted if the agency has questions?  Telephone  Email  U.S. Mail

**RECORDS REQUESTED:** *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law. Use additional pages if necessary.*

The Financial Disclosure Statement for Jarrett Niecgorski, newly elected council member for the boro of Pleasant Hills

**DO YOU WANT COPIES?**  Yes, printed copies (default if none are checked)  
 Yes, electronic copies preferred if available  
 No, in-person inspection of records preferred (may request copies later)

Do you want certified copies?  Yes (may be subject to additional costs)  No  
*RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.*

Please notify me if fees associated with this request will be more than  \$100 (or)  \$\_\_\_\_\_.

**ITEMS BELOW THIS LINE FOR AGENCY USE ONLY**

Tracking: \_\_\_\_\_ Date Received: \_\_\_\_\_ Response Due (5 bus. days): \_\_\_\_\_

30-Day Ext.?  Yes  No (If Yes, Final Due Date: \_\_\_\_\_) Actual Response Date: \_\_\_\_\_

Request was:  Granted  Partially Granted & Denied  Denied Cost to Requester: \$\_\_\_\_\_

Appropriate third parties notified and given an opportunity to object to the release of requested records.