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Subject: [External] OOR Dkt. AP 2023-2257 (DOT) - Petition for Reconsideration
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Petition for Reconsideration

Matter:

IN RE: *Anonymous v. Pennsylvania Department of Transportation*, OOR Dkt. AP 2023-2257 (DATE ISSUED AND MAILED: September 22, 2023)

Errors:

1. The determination was without any factual or legal basis.

The determination held, "The Requester is identified only as 'Requester'". Then went on to magically talk about that, "There is no evidence that the Requester is a 'person that is a legal resident of the United States...'" but what is actually meant is some irrational deduction because there is, in their view, no name, there is no way to determine legality or place of residence. (Which is ridiculous since you cannot automatically determine legality or place of residence from a name ...and there is no ability to directly inquire as to either of these two things ...and even if there was, there is no requirement to provide anything regarding legality or place of residence). "As such, the OOR finds that the 'Requester' is anonymous and does not meet the definition of a requester under the RTKL." Which is ridiculous.

This was determined without any investigation or inquiry or any reason to think this at all.

"Requester" literally could be an actual name (the requirement) but it could also be a person's legal name (which is not what is required, required is just A NAME, it does not have to be yours or your legal name that appears on your birth certificate). A person has a right for their legal/official actual name to be anything they wish. It is not like a business name where there may not be able to be more than one of the same

name, people can have the same name as whomever they want. There also isn't restrictions like a business name probably cannot be "fuck you", but a person's name can be that.

I recall, well before modern times where you can be one of many genders and use any name you want, even not letters I believe are allowed, a couple expecting, decided to auction their baby's name and went on the radio. They checked and they both could make the name whatever they wanted and there isn't any real fight like Pepsi can stop you from that being your name. They were contacted by the child welfare agency for that state who told them you will not fail to give your child a person type name, as it had a right to a name, if you try, the baby will be taken, your rights removed and your baby will be named or renamed by the state. The parents stopped trying to auction off their baby's name. They explained on the air, which they knew the agency heard, that they meant no harm, like to their child, and the money would have been their child's, like for college, as in they weren't attempting to exploit or use their child.

I also knew someone who wanted to change their name to verbally pronounced "who farted", so when asked what his name was, he could say/repeat that - like if someone repeated what is your name! (I never saw the written spelling but it wasn't spelled that way) The judge found his name change hilarious, the judge said he had to do it if he insisted, but suggested coming back once, to think about it, and if he really wanted to be who farted, he could then. Presumably strong objection would have compelled action that time. For reasons I may not have ever known, despite wanting to be who farted, the person never made it back, so their name didn't change.

I also know of another person who amused themselves with their actual name, which was non-English and all Americans were like your name is Mr. Fucks? It wasn't pronounced that way because it didn't follow American pronunciation rules.

My point is simply that there was no inquiry, investigation or anything into if "requester" was an actual name or not, which it could be (even assuming we are narrowing the name requirement drastically to be only one's legal actual name). Presumably, there were no such actions because it seems I have no obligation to state or establish, at all, if that is an actual name or if it is my name (name here could be nickname) or if it is my legal name. Instead the obligation is to state a name, which I did.

This gets worse when you realize that the name need not be an actual name of a human but can be one of many types of names - Corporation, Partnership, Limited liability company, Business trust, Other association, government entity (other than the Commonwealth), Estate, Trust, Foundation, Natural person, Pseudonym and Fictitious name. And there is no obligation to specify which of these name types you have utilized. Or to provide any supportive documents for that name.

So, there were no facts to support any of the findings, whether they be as to being anonymous, legality or residency. My appeal was not anonymous, I stated both a name and my name, apparently the appeals officer just didn't like my name so, for no

reason, baselessly, dismissed my appeal.

There is also no legal support. All laws cited support what I have explained, in fact, my explanation came from those laws and cases dealing with this law.

2. The determination contradicted itself: the Appeals Officer, Joshua Young, didn't believe their own **nonsensical baseless garbage**:

The determination reads, "As such, the OOR finds that the alleged 'Requester' is anonymous and **does not** meet the definition of a requester under the RTKL." (bold added)

But the docket sheet reads,

Description: The "Requester" is anonymous and **does** meet the definition of a requester under the RTKL. 65 P.S. 67.1101(a)(1). Dismissed.

(bold added)

(The above is a cut and paste, I did not take a screenshot, I felt a cut and paste and my visual confirmation (more than once) of accuracy would suffice)

Of course, the statement above happened saying a requester IS a requester because it is completely idiotic to suggest a requester isn't, well, a requester. Of course, a requester is a requester. What type of stupid mind riddle is that? ARE YOU TRYING TO DRIVE PEOPLE INSANE?? Is this like in the movie The Master of Disguise (2002) where the guy sought to enter the Turtle Club, so he dressed as a turtle and when questioned was like am I not turtley enough for you?

I should also note that in OOR Dkt. AP 2023-2254, which I assume was done first (I assume numbers increase with time), the same appeal officer said virtually the same thing, but for some reason, now it is "alleged" (that word was not present previously, the wording appears otherwise identical), as if there is growing paranoia, suspicion or irrational and baseless doubt that increased from one docket to the next, magically and for no reason. I am not an alleged requester, I am requester and am a requester.

3. The appeal affirmatively did state what was said there was no evidence of:

It is unclear what is considered in this determination: a. The entire appellate record or b. The appeal document itself. If the entire record, I did something that likely helps, probably is unusual, and therefore likely supports how poor the work in making this determination was/is. I actually said, "1. I am a person 2. I am a legal resident of the US 3. I actually did disclose a name."

If all that is considered is the appeal document itself, then the above would not be considered.

Meaning, it would be ridiculous to determine the opposite of what I actually said for absolutely no reason based on nothing.

4. The determination outcome appears impossible:

The outcome is both denied AND dismissed. Although I am not sure of any specific detailed Pennsylvania rules which may be specific to this exact appeal avenue, usually, denied and dismissed are to mutually exclusive things which simply cannot coexist. Yet the appeal was dismissed **because** it was denied. Chances are that is legally impossible.

Usually, dismissal is an outcome which deals with, e.g., facial sufficiency or jurisdiction. Whereas, denial is an outcome which is likely arrived at after consideration of the merits. With a dismissal, the merits may not even be reviewed and probably are not. This might be the case because the entity may have lacked the power to consider the merits.

But, if a matter is dismissed, it is likely impossible to deny that same matter because dismissal precludes the ability to deny.

Here, although the appeals officer seemed to have no idea what they are doing, I think they meant dismissed, namely, they seem to be trying to say that the appellate filing document was facially insufficient such that I simply never filed an appeal. (Denying my appeal seems to negate the lack of facial sufficiency because facial sufficiency appears necessary to have an appeal, which is a prerequisite to being able to rule... denial is a ruling.)

Interestingly, dismissal is probably not appropriate either as, if I never filed an appeal, there is simply no need to determine anything. Instead, a notice as to the deficiency probably would be in order. Like hey, do you think you filed an appeal? You didn't. Ruling a dismissal seems to say that I filed an appeal but it was jurisdictional deficient (e.g., filed too late).

It would seem to me that by reaching a determination, it seems that OOR felt it had an appeal before them, something which would be incorrect if the appeal officer was correct.

In sum, I feel neither ruling, denied or dismissed is correct if the appeal officer is correct that my appeal filing lacked a requisite part that was essential. Instead, simply telling me was in order. Also, denied and dismissed are mutually exclusive.

5. The determination was in error: it read: "The appeal, if docketed, would be premature. Request was submitted to the Department on September 13, 2023 and the Department responded within the required 5 business days. See 65 P.S. § 67.901." This did not happen. I addressed in my appeal why this was not a legally sufficient response, namely, why it was not a legally sufficient extension.

6. The docket sheet was in error: it read: "Legal Issues: Clause: Agency Invoked an Extension, Exemption: The agency invoked a 30 day extension to respond to the request., Result:" This did not happen. I addressed in my appeal why there was no

legally sufficient extension.

Outcome Requested:

Please correct all errors, please docket and rule on IN RE: *Anonymous v. Pennsylvania Department of Transportation*, OOR Dkt. AP 2023-2257 (DATE ISSUED AND MAILED: September 22, 2023) and please order all requested materials produced.

Evidence:

I state:

1. I am a person
2. I am a legal resident of the US
3. I am a legal resident of the United States
4. I am a requester under Pennsylvania Right-to-Know Law
5. I am a person that is a legal resident of the United States.
6. I am a human.
7. I exist.
8. I am valid.
9. I am not anonymous
10. Address: mr23mister32-foiarequest0001@yahoo.com
11. Address: 601 Commonwealth Avenue, Harrisburg, Pennsylvania 17120
12. Name: Corporation: Walter, Incorporated
13. Name: Partnership: Abernathy, J. & McGilterson, R (General Partnership)
14. Name: Limited liability company: Breezy Lawns, LLC
15. Name: Business trust: Walter John's Complex Trust
16. Name: Other association: John's Other Association
17. Name: government entity (other than the Commonwealth): Hartford, Connecticut
18. Name: Estate: Estate of Michael Walters
19. Name: Trust: Johnson Family Trust
20. Name: Foundation: The Foundation for Learning
21. Name: Natural person: John Terrance Abernathy XIV
22. Name: Pseudonym: Big John STEAKS
23. Name: Fictitious name: Eagle Eyes The Third

Please let me know if the above satisfies all name and address requirements.

The name and address to which the agency should address its response: Please send it to me, the requester, at mr23mister32-foiarequest0001@yahoo.com

I look forward to receiving all responsive materials shortly.

Thank you and have a nice day,

Requester John
mr23mister32-foiarequest0001@yahoo.com

Cc:

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