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**Chief Counsel Kyle Applegate**  
Office of Open Records  
333 Market Street, 16th Floor  
Harrisburg, PA 17101-2234  
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**Re: Petition for Reconsideration and Request for In Camera Inspection - Jadic v. Wyomissing Borough OOR Dkt. AP 2024-1050**

**Dear Chief Counsel Applegate,**

**Introduction:**

I am writing to respectfully request reconsideration and an in camera inspection of records in the matter of Jadic v. Wyomissing Borough, OOR Dkt. AP 2024-1050. This petition is timely filed within the fifteen (15) calendar days allowed for reconsideration under OOR procedural guidelines.

**Key Points for Reconsideration:**

**1. Insufficiency of Affidavits:**

The OOR's reliance solely on the affidavits provided by Mr. Hogg and Ms. Miller without direct examination of the Hogg report limits the thoroughness and transparency of the review process. Affidavits should not be the sole basis for withholding records, especially when significant public interest is involved. I provided a screenshot of the Hogg report, which contradicts the statements in the affidavits, demonstrating that the report is a routine monthly report and not part of an investigation.

**2. OOR Case 2024-1141:**

In OOR case 2024-1141, Jadic v. Wyomissing Borough, the OOR did not impose any penalty on the Borough for providing false information in a sworn affidavit. This lack of consequence means there is no deterrent for individuals like Mr. Hogg or Ms. Miller from providing false affidavits. Therefore, relying solely on their affidavits without an in camera inspection does not ensure the accuracy and integrity of the information presented.

**3. Misinterpretation of Investigative Records:**

The Hogg report is a monthly report from a subcontractor (Kraft Municipal Services) to the Borough's supervising body (infrastructure Committee), justifying its activity and billing. It is not part of an investigation. The precedent set in Castillo v. Pa. State Police does not apply here, as the Hogg report is not investigative in nature. The Chawaga case is more applicable, as the Hogg report is akin to a performance audit, which is not part of the Borough's legislatively granted fact-finding or investigative powers.

**4. Public Presentation of Hogg Report:**

I am not seeking complaints or investigative records but rather the Hogg report, which is a publicly presented document discussed at committee meetings. This report is part of the general package provided to committee members and is discussed publicly but not disclosed to the public. This lack of transparency is a blatant disregard for public accountability. If the report is meant for public scrutiny during these meetings, it should be made publicly available.

**5. Selective Enforcement and Discrimination:**

In the absence of public documentation of the NOV activity, the Borough can use selective enforcement to target individuals based on gender, race, sexual orientation, or political views. The OOR must shield the public from such discriminatory practices. I have provided evidence in this case that the Borough has used selective enforcement. The attitude of the OOR, as reflected in Appeals Officer Blake Eilers' statement in OOR docket 2024-1141, "If you are aggrieved by the OOR's Final Determination, nothing prevents you from filing an appeal," is not conducive to protecting citizens. Pennsylvania residents should not need to spend a fortune on appeals and lawyers to avoid discrimination. The OOR plays a crucial role in protecting residents against such acts.

Daneen Miller-Smith's final determination does not address the extensive proof of selective enforcement I provided. She mentions that "the public can ensure government is not selectively enforcing violations, thereby resulting in discrimination and harassment," but fails to consider the concrete evidence I submitted. Ignoring this evidence undermines the credibility and thoroughness of the determination. Disregarding facts is akin to a judge ignoring clear proof of a crime, leading to a fundamentally flawed judgment.

**6. Sunshine Act and Copyright Law Conflict:**

The Sunshine Act allows for the recording, photographing, and videoing of public meetings. When documents are displayed on a screen during these meetings, they are automatically copied by recording devices. The OOR needs to provide guidance to ensure that documents essential for public understanding during meetings are made public. Potential copyright holders should be informed of the need to make their work public so that the copyright exemption is not abused. This prevents absurd situations where public participation becomes a pointless exercise due to lack of access to critical information.

**Request for In Camera Inspection:**

Given the insufficiencies highlighted above, I request an in camera inspection of the Hogg report to ensure a thorough and transparent review process. This inspection would provide clarity on whether the report truly contains sensitive information or if it falls under regular agency business and should be disclosed.

**Conclusion:**

The OOR's broad application of exemptions obstructs public oversight and fosters an environment conducive to discriminatory practices. Transparency must be upheld, and the release of documents presented at public meetings should be mandatory to ensure meaningful public participation.

I respectfully request reconsideration of the decision in Dkt. AP 2024-1050 and an in camera inspection of the Hogg report.

Thank you for your attention to this matter.

**Sincerely,**

Adrian Jadic