pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
GEORGE BOCHETTO,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2020-2555**
	:	
CITY OF PITTSBURGH,	:	
Respondent	:	

INTRODUCTION

George Bochetto, Esq. ("Requester") submitted a request ("Request") to the City of Pittsburgh ("City") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking records related to a Christopher Columbus statue in Schenley Park. The City partially denied the Request, arguing some records are protected by the attorney-client privilege and the attorney work-product doctrine and are exempt internal, predecisional deliberations. The Requester appealed to the Office of Open Records ("OOR"). For the reasons set forth in this Final Determination, the appeal is **granted in part**, **denied in part** and **dismissed as moot in part**, and the City is required to take additional action as directed.

FACTUAL BACKGROUND

On October 14, 2020, the Request was filed, seeking, from March 1, 2020 to the date of the Request, in relevant part:

4. All internal communications concerning the Christopher Columbus Statue at Schenley Park sent and/or received by Mayor Peduto on any of his electronic devices;

5. All internal communications from the Mayor and/or employees, staff, officers, or deputies of his office related to the removal of the Columbus Statue from Schenley Park;

6. All internal communications between Members of the Pittsburgh Art Commission ["Commission"] regarding the Columbus Statue at Schenley Park[.]

On November 20, 2020, following a thirty-day extension to respond, 65 P.S. § 67.902(b), the City denied the Request, arguing that some records are protected by the attorney-client privilege or attorney work-product doctrine, some records are exempt internal predecisional deliberations, 65 P.S. § 67.708(b)(10), and Item 6 is insufficiently specific. *See* 65 P.S. § 67.703.

On December 2, 2020, the Requester appealed to the OOR, challenging the denial of Items 4-6 only and stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the City to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On December 18, 2020, the City submitted a position statement reiterating its grounds for denial. The City claims that some records are internal, predecisional deliberations and are protected by the attorney-client privilege and the attorney work-product doctrine, and that the Request is insufficiently specific. The City also argues that the Requester may not modify his Request on appeal. In support of its position, the City submitted the statements made under penalty of perjury of Yvonne Hilton, Chief Legal Officer and City Solicitor and Assistant City Solicitors Lorraine Mackler, John Miller, Anthony Bilan. On December 28, 2020, the City provided the statement made under penalty of perjury of Assistant City Solicitor and Open Records Officer

Celia B. Liss. The City also provided exemption logs prepared by each attorney and one additional record.

Upon the OOR's request for additional evidence, the City provided a supplementary statement made under penalty of perjury from Attorney Liss as well as statements made under penalty of perjury from Wendy Urbanic, 311 Manager, and Marcelle Newman, Assistant Director of the Department of Public Works.

LEGAL ANALYSIS

"The objective of the Right to Know Law ... is to empower citizens by affording them access to information concerning the activities of their government." *SWB Yankees L.L.C. v. Wintermantel*, 45 A.3d 1029, 1041 (Pa. 2012). Further, this important open-government law is "designed to promote access to official government information in order to prohibit secrets, scrutinize the actions of public officials and make public officials accountable for their actions." *Bowling v. Office of Open Records*, 990 A.2d 813, 824 (Pa. Commw. Ct. 2010), *aff'd* 75 A.3d 453 (Pa. 2013).

The OOR is authorized to hear appeals for all Commonwealth and local agencies. *See* 65 P.S. § 67.503(a). An appeals officer is required "to review all information filed relating to the request" and may consider testimony, evidence and documents that are reasonably probative and relevant to the matter at issue. 65 P.S. § 67.1102(a)(2). An appeals officer may conduct a hearing to resolve an appeal. The law also states that an appeals officer may admit into evidence testimony, evidence and documents that the appeals officer believes to be reasonably probative and relevant to an issue in dispute. *Id*. The decision to hold a hearing is discretionary and non-appealable. *Id*.; *Giurintano v. Pa. Dep't of Gen. Servs.*, 20 A.3d 613, 617 (Pa. Commw. Ct. 2011). Here, the Requester suggested *in camera* review may be helpful; however, the OOR has the necessary

information and evidence before it to properly adjudicate the matter. Therefore, the OOR need not conduct *in camera* review.

The City is a local agency subject to the RTKL that is required to disclose public records. 65 P.S. § 67.302. Records in the possession of a local agency are presumed public unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. Upon receipt of a request, an agency is required to assess whether a record requested is within its possession, custody or control and respond within five business days. 65 P.S. § 67.901. An agency bears the burden of proving the applicability of any cited exemptions. *See* 65 P.S. § 67.708(b).

Section 708 of the RTKL places the burden of proof on the public body to demonstrate that a record is exempt. In pertinent part, Section 708(a) states: "(1) The burden of proving that a record of a Commonwealth agency or local agency is exempt from public access shall be on the Commonwealth agency or local agency receiving a request by a preponderance of the evidence." 65 P.S. § 67.708(a)(1). The burden of proof in claiming a privilege is on the party asserting that privilege. *Levy v. Senate of Pa.*, 34 A.3d 243, 249 (Pa. Commw. Ct. 2011). Preponderance of the evidence has been defined as "such proof as leads the fact-finder … to find that the existence of a contested fact is more probable than its nonexistence." *Pa. State Troopers Ass'n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

1. The City provided one responsive record during the appeal

During the appeal, the City provided an additional email that is responsive to the Request. As such, the appeal as to the record provided on appeal is dismissed as moot.

2. The City's interpretation of the Request is reasonable, and the Request may not be modified on appeal

The City argues that the Requester improperly attempts to modify his Request on appeal. Item 4 of the Request specifically seeks "[a]ll internal communications concerning the Christopher Columbus Statue at Schenley Park sent and/or received by Mayor Peduto on any of his electronic devices[,]" which the City interpreted as communications internal to the City.

An agency may interpret the meaning of a request for records, but that interpretation must be reasonable. *See Spatz v. City of Reading*, OOR Dkt. AP 2013-0867, 2013 PA O.O.R.D. LEXIS 513; *Signature Info. Solutions, Inc. v. City of Warren*, OOR Dkt. AP 2012-0433, 2012 PA O.O.R.D. LEXIS 557. The RTKL is remedial legislation that must be interpreted to maximize access. *See Gingrich v. Pa. Game Comm'n*, No. 1254 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 38 at *16 (Pa. Commw. Ct. 2012). The OOR determines the reasonableness of the agency's interpretation from the text and context of the request alone, as neither the OOR nor the Requester are permitted to alter the request on appeal. *See McKelvey v. Office of Attorney General*, 172 A.3d 122 (Pa. Commw. Ct. 2017) ("Once a RTKL request is submitted, a requester is not permitted to expand or modify the request on appeal.")

In the appeal submission, the Requester explains that Item 4 seeks communications such as those to or from Mayor Peduto and special interest groups; however, the City reasonably interpreted the Request as seeking communications internal to the City because it specifically sought internal communications. Further, the Requester did not provide this context to the City in the Request, and therefore, the OOR cannot use it as an aid to interpretation on appeal. *See Staley v. Pittsburgh Water and Sewer Authority*, OOR Dkt. AP 2010-0275; 2010 PA. O.O.R.D. LEXIS 256. The Requester may not modify or expand upon the Request on appeal to include external communications. *See Michak v. Pa. Dep't of Pub. Welfare*, 56 A.3d 925, 930 (Pa. Commw. Ct.

2012) (holding that "where a requestor requests a specific type of record … the requestor may not, on appeal argue that an agency must instead disclose a different record in response to the request").

Similarly, Item 6 of the Request seeks "[a]ll internal communications between Members of the Pittsburgh Art Commission regarding the Columbus Statue at Schenley Park," which the City interpreted as all communications between members of the Commission - that is member to member communications. Again, this is a reasonable interpretation of the Item as written. While the Requester suggests that he was seeking communications amongst Commission members "and the communications between Members and City Employees,…" this explanation was only provided on appeal and, therefore, the issue will be addressed in the context of communications amongst members, rather than between members and City employees.

3. The Request is sufficiently specific

The City argues that Item 6 of the Request is insufficiently specific because the Requester did not identify the members of the Art Commission whose communications he seeks. Section 703 of the RTKL states that "[a] written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested." When interpreting a RTKL request, agencies should rely on the common meaning of words and phrases, as the RTKL is remedial legislation that must be interpreted to maximize access. *See Gingrich v. Pa. Game Comm'n*, No. 1254 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 38 at *16 (Pa. Commw. Ct. 2012) (citing *Bowling*, 990 A.2d 813). In determining whether a particular request is sufficiently specific, the OOR uses the three-part balancing test employed by the Commonwealth Court in *Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015), and *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013). First, "[t]he subject matter of the request must identify the 'transaction or activity' of the agency

for which the record is sought." *Pa. Dep't of Educ.*, 119 A.3d at 1125. Second, the scope of the request must identify a discrete group of documents (e.g., type or recipient). *See Id*. at 1125. Third, "[t]he timeframe of the request should identify a finite period of time for which the records are sought." *Id*. at 1126. This factor is the most fluid and is dependent upon the request's subject matter and scope. *Id*. Failure to identify a finite timeframe will not automatically render a sufficiently specific request overbroad; likewise, a short timeframe will not transform an overly broad request into a specific one. *Id*.

Here, Item 6 of the Request is sufficiently specific because it identifies a short time frame (March 1, 2020 to the date of the Request), a subject matter (the Columbus Statue at Schenley Park) and a discrete group of documents (communications between members of the Art Commission), which was reasonably interpreted by the City as all members of the Art Commission.

4. A good faith search for records includes contacting members of the Commission

The City denied Item 6 of the Request arguing that the Commission members are volunteers and do not have City email addresses and furthermore, several members resigned during the relevant time period and, therefore, their records are inaccessible. However, in response to a request for records, "an agency shall make a good faith effort to determine if … the agency has possession, custody or control of the record[.]" 65 P.S. § 67.901. While the RTKL does not define the term "good faith effort" as used in Section 901 of the RTKL, in *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, the Commonwealth Court stated:

> As part of a good faith search, the open records officer has a duty to advise all custodians of potentially responsive records about the request, and to obtain all potentially responsive records from those in possession… When records are not in an agency's physical possession, an open records officer has a duty to contact agents within its control, including third-party contractors ... After obtaining

> potentially responsive records, an agency has the duty to review the records and assess their public nature under … the RTKL.

185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (citations omitted); *see also Rowles v. Rice Twp.*, OOR Dkt. AP 2014-0729, 2014 PA O.O.R.D. LEXIS 602 (citing *Judicial Watch, Inc. v. United States Dep't of Homeland Sec.*, 857 F. Supp. 2d 129, 138-139 (D.D.C. 2012)) (citations omitted).

Additionally, the Commonwealth Court has held that an open records officer's inquiry of agency members may constitute a "good faith effort" to locate records, stating that open-records officers have:

> a duty to inquire of [agency personnel] as to whether he or she was in the possession, custody, or control of any of the … requested emails that could be deemed public and, if so, whether the emails were, in fact, public and subject to disclosure or exemption from access by Requestor.

Mollick v. Twp. of Worcester, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011); *see In re Silberstein*, 11 A.3d 629, 634 (Pa. Commw. Ct. 2011) (holding that it is "the open-records officer's duty and responsibility" to both send an inquiry of agency personnel concerning a request and to determine whether to deny access).

Furthermore, for emails to qualify as records of an agency, the OOR must look to the subject matter of the records. Emails are not considered records of an agency merely because they were sent or received using agency email addresses or by virtue of their location on an agency computer. *See Meguerian v. Office of the Attorney General*, 86 A.3d 924, 930 (Pa. Commw. Ct. 2013); *Easton Area Sch. Dist. v. Baxter*, 35 A.3d 1259 (Pa. Commw. Ct. 2012). Here, the City has not demonstrated that it conducted a sufficient search for records responsive to Item 6 insofar as the City did not contact current members of the Commission who may have responsive records. However, the City has no obligation to seek records from former Commissioners. *See Breslin v. Dickinson Twp*, 68 A.3d 49 (Pa. Commw. Ct. 2013).

5. Responsive records are protected by the attorney-client privilege or the attorney work-product doctrine

The City argues that the bulk of responsive records that were withheld are protected by the attorney-client privilege and the attorney work-product doctrine. The RTKL defines "privilege" as "[t]he attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege recognized by a court interpreting the laws of this Commonwealth." 65 P.S. § 67.102. In order for the attorney-client privilege to apply, an agency must demonstrate that: 1) the asserted holder of the privilege is or sought to become a client; 2) the person to whom the communication was made is a member of the bar of a court, or his subordinate; 3) the communication relates to a fact of which the attorney was informed by his client, without the presence of strangers, for the purpose of securing either an opinion of law, legal services or assistance in a legal matter, and not for the purpose of committing a crime or tort; and 4) the privilege has been claimed and is not waived by the client. *See Nationwide Mut. Ins. Co. v. Fleming*, 924 A.2d 1259, 1263-64 (Pa. Super. Ct. 2007). "[A]fter an agency establishes the privilege was properly invoked under the first three prongs, the party challenging invocation of the privilege must prove waiver under the fourth prong." *Office of the Governor v. Davis*, 122 A.3d 1185, 1192 (Pa. Commw. Ct. 2014) (citing *Id*.). An agency may not rely on a bald assertion that the attorney-client privilege applies; instead, the agency must prove all four elements. *See Clement v. Berks County*, OOR Dkt. AP 2011-0110, 2011 PA O.O.R.D. LEXIS 139 ("Simply invoking the phrase 'attorney-client privilege' or 'legal advice' does not excuse the agency from the burden it must meet to withhold records"). The attorney-client privilege protects only those disclosures necessary to obtain informed legal advice, where the disclosure might not have occurred absent the privilege, and where the client's goal is to obtain legal advice. *Joe v. Prison Health Services, Inc.*, 782 A.2d 24 (Pa. Commw. Ct. 2001).

The attorney work-product doctrine, on the other hand, prohibits disclosure "of the mental impressions of a party's attorney or his or her conclusions, opinions, memoranda, notes or summaries, legal research or legal theories." Pa.R.C.P. 4003.3. "The purpose of the work product doctrine is to protect the mental impressions and processes of an attorney acting on behalf of a client, regardless of whether the work product was prepared in anticipation of litigation." *Bousamra v. Excela Health*, 210 A.3d 967, 976 (Pa. 2019) (internal citations omitted); *see also Heavens v. Pa. Dep't of Env't Prot.*, 65 A.3d 1069, 1077 (Pa. Commw. Ct. 2013) ("[U]nder the RTKL the work-product doctrine protects a record from the presumption that the record is accessible by the public if an agency sets forth facts demonstrating that the privilege has been properly invoked"). While the attorney-client privilege is waived by voluntary disclosure, *Bousamra*, 210 A.3d at 978 (internal citation omitted), the work-product doctrine is not primarily concerned with confidentiality, as it is designed to provide protection against adversarial parties. *Id*. at 979 (internal citations and quotation omitted).

Yvonne Hilton, Esq. attests that the records in her exemption log reflect the mental impressions, opinions, legal research or legal theories of her or her fellow Assistant City Solicitors. She affirms that the information has been kept confidential and the attorney-client privilege has not been waived. Under the RTKL, a sworn affidavit or statement made under the penalty of perjury may serve as sufficient evidentiary support. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any evidence that the City has acted in bad faith, "the averments in [the statement] should be accepted as true." *McGowan v. Pa. Dep't of Envtl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

Review of the log shows that all subject matters relate to legal advice or the mental impressions of City solicitors regarding the statue. Attorney Hilton identifies most senders or recipients as either attorneys or employees of the City, while Attorney Liss identifies Molly Onufer as a City employee. Therefore, the City has demonstrated that the records identified in Attorney Hilton's log are protected by the privilege and/or doctrine.

Similarly, Attorney Mackler makes the same attestation regarding the records identified in her log. Attorney Mackler identifies most senders or recipients as either attorneys or employees of the City, and Attorney Liss affirms John DeMarco and John Doherty are Assistant City Solicitors.

On page 3 of her log, the recipients and basis for exclusion for an email dated August 24, 2020, "email draft Memorandum of Law, Draft letter to Art Comm" are unidentified; however, as the subject matter indicates the record is a memorandum of law which is protected by the attorney work-product doctrine. Therefore, the City has demonstrated that the records identified in Attorney Mackler's log are protected by the privilege and/or doctrine.

Attorney John Miller affirms that the records in his exemption log reflect his mental impressions, opinions, legal research or legal theories or those of fellow attorneys. He affirms that the information has been kept confidential and the attorney-client privilege has not been waived. OOR review of the subject matter of the other records demonstrates that they are protected by the privilege or doctrine.

Attorney Anthony Bilan makes the same affirmations in his statement and Attorney Liss's supplemental statement made under penalty of perjury identifies all senders or recipients as employees or former employees of the City. As such, the City has demonstrated that the emails in the log are protected.

6. Some records are exempt under the RTKL

Attorney Liss identifies three records withheld under either Section 708(b)(10) or Section 708(b)(17) of the RTKL. 311 complaint intake forms were withheld as noncriminal investigative records, while communications related to the removal of the Columbus statue and security for the statue were withheld as internal, predecisional deliberations.

a. The City demonstrated that 311 complaint forms are exempt noncriminal investigative records

Section 708(b)(17) of the RTKL exempts from disclosure records of an agency "relating to a noncriminal investigation," including "[i]nvestigative materials, notes, correspondence and reports" and "[a] record that, if disclosed, would … [r]eveal the institution, progress or result of an agency investigation." 65 P.S. § 67.708(b)(17)(ii); 65 P.S. § 67.708(b)(17)(vi)(A). In order for this exemption to apply, an agency must demonstrate that "a systematic or searching inquiry, a detailed examination, or an official probe" was conducted regarding a noncriminal matter. *See Pa. Dep't of Health v. Office of Open Records*, 4 A.3d 803, 810-11 (Pa. Commw. Ct. 2010). Further, the inquiry, examination, or probe must be "conducted as part of an agency's official duties." *Id*. at 814; *see also Johnson v. Pa. Convention Ctr. Auth.*, 49 A.3d 920 (Pa. Commw. Ct. 2012). An official probe only applies to noncriminal investigations conducted by agencies acting within their legislatively granted fact-finding and investigative powers. *Pa. Dep't of Pub. Welfare v. Chawaga*, 91 A.3d 257 (Pa. Commw. Ct. 2014). To hold otherwise would "craft a gaping exemption under which any governmental information-gathering could be shielded from disclosure." *Id*. at 259.

The City points to *Sheehan v. City of Pittsburgh*, OOR Dkt. AP 2018-0553, 2018 PA O.O.R.D. LEXIS ____, in support of its argument that the OOR has previously determined that 311 complaints are noncriminal investigative records. Attorney Liss's log identifies the records

are 311 complaint intake forms regarding vandalism of the statue and the OOR has held that 311 complaints are noncriminal investigative records. *See Cunningham v. City of Philadelphia, Department of Licenses & Inspections*, OOR Dkt. AP 2020-1635, 2020 PA O.O.R.D. LEXIS 2752; *Navratil v. City of Pittsburgh*, OOR Dkt. AP 2016-1830, 2016 PA O.O.R.D. LEXIS 1617; *Thomas v. City of Philadelphia*, OOR Dkt. AP 2015-0236, 2015 PA O.O.R.D. LEXIS 413. Ms. Newman affirms that the Pittsburgh City Code provides the Department of Public Works with the authority to investigate and act on complaints sent to the 311 Response Center. She explains that following a complaint, staff from the appropriate City division is sent to the site to investigate and clean up or schedule clean up. Ms. Urbanic affirms that the 311Response Center responded to several calls regarding graffiti on the Columbus statute and sent the appropriate staff to investigate. A statement made under the penalty of perjury is competent evidence to sustain an agency's burden of proof under the RTKL. *See Sherry*, 20 A.3d at 520-21; *Moore*, 992 A.2d at 909. Here, the City has demonstrated that the intake forms are exempt noncriminal investigative records.

b. The City has demonstrated that records are exempt internal, predecisional deliberations

Attorney Liss identifies two records that were withheld as internal, predecisional deliberations. Her log reveals that the subject matter of the emails were (1) removal the Columbus statue and (2) security for the statue. Both emails were sent on September 24, 2020. Section 708(b)(10)(i)(A) exempts from public disclosure a record that reflects:

> [t]he internal, predecisional deliberations of an agency, its members, employees or officials or predecisional deliberations between agency members, employees or officials and members, employees or officials of another agency, including predecisional deliberations relating to a budget recommendation, … or course of action or any research, memos or other documents used in the predecisional deliberations.

65 P.S. § 67.708(b)(10)(i)(A). To withhold a record under Section 708(b)(10)(i)(A), an agency must show: 1) the deliberations reflected are internal to the agency, including representatives; 2) the deliberations reflected are predecisional, i.e., before a decision on an action; and 3) the contents are deliberative in character, i.e., pertaining to a proposed action. *See Kaplin v. Lower Merion Twp.*, 19 A.3d 1209, 1214 (Pa. Commw. Ct. 2011).

To establish that records are deliberative, an agency must show that the information relates to the deliberation of a particular decision. *McGowan v. Pa. Dep't of Envtl. Prot.*, 103 A.3d 374, 378-88 (Pa. Commw. Ct. 2014). The term "deliberation" is generally defined as "[t]he act of carefully considering issues and options before making a decision or taking some action…" BLACK'S LAW DICTIONARY 492 (9th ed. 2009); *see also Heintzelman v. Pa. Dep't of Cmty. & Econ. Dev.*, OOR Dkt. AP 2014-0061, 2014 PA O.O.R.D. LEXIS 254, aff'd No. 512 C.D. 2014, 2014 Pa. Commw. Unpub. LEXIS 644 (Pa. Commw. Ct. 2014).

These emails were internal to the City as they were between City employees or officials. The first email relates to the potential removal of a statue and was sent prior to any decision being made regarding the statue, as the City explains in its position statement that the decision was made on October 9, 2020. The second email discusses a way to protect the statue and was also made prior to any decision being made. Ms. Liss affirmed the veracity of the contents of the City's position statement in her statement made under penalty of perjury. Therefore, the City has demonstrated that these two emails are exempt internal predecisional deliberations.

CONCLUSION

For the foregoing reasons, the appeal is **granted in part**, **denied in part** and **dismissed as moot in part**, and the City is required to perform a good faith search and provide any responsive records identified and in accordance with the above parameters within thirty days. This Final

Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Allegheny County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL. 65 P.S. § 67.1303. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.[1] This Final Determination shall be placed on the OOR website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: January 21, 2021

/s/ Erin Burlew

_____

ERIN BURLEW, ESQ.
APPEALS OFFICER

Sent to: George Bochetto, Esq. (via email only);
Celia Liss, Esq. (via email only)

[1] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).