

APR 17 2012

ENTERED & FILED

Ernest E. Thomas Jr.
Petitioner

2012 APR 10 P 12:53

IN THE COURT OF COMMON PLEAS
LEBANON COUNTY, PENNSYLVANIA

v.

PROTHONOTARY
LEBANON, PA

No. 2012 - 00063

Jamie A. Wolgemuth
Lebanon County Right To Know Officer

PA Office Of Open Records
Docket No. AP 2011 - 1204

v.

Lebanon County Right To Know Office

ORDER TO ENFORCE FINAL DETERMINATION OF PA OFFICE OF OPEN RECORDS
(First Matter)

AND NOW, this 12th day of April, 2012, it is hereby ordered and decreed that the Petition of Ernest E. Thomas Jr. TO ENFORCE FINAL DETERMINATION OF PA OFFICE OF OPEN RECORDS (First Matter) is hereby GRANTED.

Based on this Order, the County of Lebanon's RTK Office and its Officer _____ provide Ernest E. Thomas Jr. the;

"Visitation policies of the Lebanon County Correctional Facility that were in effect for the years 2004 through 2009, inclusive. To include, but not be limited to, the policies pertaining to inmate visits/contact with law enforcement officials; Lebanon County Children & Youth employees; Lebanon County Sheriff's Office employees; Lebanon County employees in general; attorneys; and friends & family. To include policie pertaining to the record keeping/documenting of visits/contact. To include all referenced and accompanying documents/records."

All documentation to be provided to Petitioner within 30 days of this

Court Order.

ENTERED & FILED

2012 APR 12 P 3:12

PROTHONOTARY OFFICE
LEBANON, PA

BY THE COURT:
John C. Tyllwalk
JOHN C. TYLLWALK

Distribution:

Ernest E. Thomas Jr., Petitioner
Jamie A. Wolgemuth, Lebanon County RTK Officer

PURSUANT TO RULE 236
You are hereby notified
that this order has been
entered in this case.

ORIGINAL

ENTERED & FILED

Ernest E. Thomas Jr.
Petitioner 2012 APR 10 P 2:53

IN THE COURT OF COMMON PLEAS
LEBANON COUNTY, PENNSYLVANIA

V.
PROTHONOTARY OFFICE
LEBANON, PA

No. 2012 - 00063

Jamie A. Wolgemuth
Lebanon County Right To Know Officer

PA Office Of Open Records
Docket No. AP 2011 - 1204

V.


Lebanon County Right To Know Office

ORDER OF COURT

AWARDING PETITIONER FINANCIAL CONSIDERATION
(Second Matter)

AND NOW, this 12th day of April 2012, upon consideration of the
Petitioner's MOTION TO MOVE THE COURT TO ENTER AN ORDER AWARDING PETITIONER
FINANCIAL CONSIDERATION (Second Matter) it is hereby ordered and decreed that
Petitioner's Motion is hereby DENIED.

~~Pursuant to the provisions of the Act of June 22, 1937 (Public Law 249), the amount of \$0.00 is hereby awarded to the petitioner in the amount of \$0.00 to be paid to the petitioner within 30 days of this order.~~

BY THE COURT:

P.J.
JOHN C. TYLWALK

Distribution:

Ernest E. Thomas JR., Petitioner
Jamie A. Wolgemuth, Lebanon County RTK Officer

ENTERED & FILED
2012 APR 12 P 3:15
PROTHONOTARY OFFICE
LEBANON, PA

Ernest E. Thomas Jr.
Petitioner

V.

Jamie A. Wolgemuth
Lebanon County Right To Know Officer

V.

Lebanon County Right To Know Office

IN THE COURT OF COMMON PLEAS
LEBANON COUNTY, PENNSYLVANIA

No. 2012- 00063

PA Office Of Open Records
Docket No. AP 2011-1204

12/11/12 2:29 P 255

MOTION TO MOVE THE COURT TO ENTER ORDER
TO ENFORCE FINAL DETERMINATION OF PA OFFICE OF OPEN RECORDS
(First Matter)

AND

TO MOVE THE COURT TO ENTER AN ORDER
AWARDING PETITIONER FINANCIAL CONSIDERATION
(Second Matter)

First Matter:

Petitioner, Ernest E. Thomas Jr., requests that the Honorable Court enforce the Final Determination of the PA Office Of Open Records (PA OOR) and that the Honorable Court order Mr. Jamie A. Wolgemuth, Lebanon County Open Records Officer, and the County Of Lebanon to provide Petitioner records that were requested pursuant to Section 1302 of the Right To Know Law, 65 Pa. C.S. 67.1302. Petitioner represents:

1) Pursuant to the Right To Know Law (RTK Law), on August 23, 2011 Petitioner requested records from the County Of Lebanon pertaining to the visitation policies of the Lebanon County Correctional Facility (L.C.C.F.). The County did not provide said records and did not respond to this Request.

2) On September 6, 2011 Petitioner filed a RTK Law Appeal to the PA OOR. The County Of Lebanon did not respond to this Appeal.

3) On September 28, 2011 the PA OOR issued a Final Determination in favor of Petitioner that required the County Of Lebanon to provide Petitioner the requested records within 30 days. The County Of Lebanon has not responded, has not provided the records, and more than 30 days has passed.

The Records requested by Petitioner are listed on the first page of the PA OOR's Final Determination. A copy of this Final Determination was filed with the Lebanon County Prothonotary / Clerk Of Courts on January 9, 2012.

4) On January 9, 2012 Petitioner filed a PETITION TO ENFORCE FINAL DETERMINATION OF PA OFFICE OF OPEN RECORDS with the Lebanon County Prothonotary / Clerk Of Courts.

5) On January 10, 2012 the Honorable Court entered a Rule Returnable upon Jamie A. Wolgemuth, Lebanon County Right To Know Officer and the Lebanon County Right To Know Office; Rule Returnable within 14 days or by January 25, 2012.

The Rule Returnable was not Answered.

6) On January 17, 2012 the PA OOR notified the Court that it rests upon its Final Determination. (Copy of letter attached)

WHEREFORE, for the foregoing reasons Petitioner requests that the Honorable Court grant his petition and orders Jamie A. Wolgemuth, Lebanon County Open Records Officer, and the County Of Lebanon to provide Petitioner the L.C.C.F. records he requested pursuant to the RTK Law and that these records be provided to Petitioner within 10 days.

Second Matter:

Petitioner, Ernest E. Thomas Jr., requests that the Honorable Court grant him financial consideration. Petitioner represents.

7) Pursuant to 65 Pa. C.S. 67.1304 a Court may award resonable fees and costs of litigation if an agency acts in bad faith.

8) The County Of Lebanon has acted in bad faith by not responding to and deliberately ignoring Petitioner's original RTK Request; by not responding to and deliberately ignoring the PA OOR's Final Determination; and by not responding to and deliberately ignoring the Lebanon County Court Of Common Pleas' Rule Returnable.

9) Jamie A. Wolgemuth, Lebanon County Right To Know Officer, and the County Of Lebanon have willfully and with wanton disregard deprived Petitioner access to public records.

This noncompliance with the RTK Law placed an undue burden upon Petitioner; because he was required, though limited in resources, to seek the County's compliance to the RTK Law by putting the matter before the Court.

Wherefore, for the foregoing reasons, pursuant to 65 Pa. C.S. 67.1304, Petitioner requests that the Honorable Court award him financial consideration.

Respectfully Submitted,
this 2nd day of February, 2012
by Ernest E. Thomas Jr.

Ernest E. Thomas Jr.
#GY2149
SCI Somerset
1600 Walters Mill Road
Somerset PA 15510

Ernest E. Thomas Jr.
Petitioner

V.

Jamie A. Wolgemuth
Lebanon County Right To Know Officer

V.

Lebanon County Right To Know Office

IN THE COURT OF COMMON PLEAS
LEBANON COUNTY, PENNSYLVANIA

No. 2012-00063

PA Office Of Open Records
Docket No. AP 2011-1204

VERIFICATION

I, Ernest E. Thomas Jr., petitioner herein, verify that the foregoing information is true and correct to the best of my knowledge and belief. I understand that my statements are made subject to the penalties of 18 Pa. C.S. 4904, which relates to unsworn falsification to authorities.

Submitted,

this 2nd of February, 2012

by

E. E. Thomas Jr.
Ernest E. Thomas Jr.

#GY2149

SCI Somerset

1600 Walters Mill Road

Somerset PA 15510

Ernest E. Thomas Jr.
Petitioner

IN THE COURT OF COMMON PLEAS
LEBANON COUNTY, PENNSYLVANIA

V.

Jamie A. Wolgemuth
Lebanon County Right To Know Officer

No. 2012-00063

V.

Lebanon County Right To Know Office

PA Office Of Open Records
Docket No. AP 2011-1204

CERTIFICATE OF SERVICE

I, Ernest E. Thomas Jr., hereby certify that the following parties were served a copy of this Motion by First Class Mail.

Jamie A. Wolgemuth
Lebanon County Right To Know Officer
Room 207, Municipal Building
400 South 8th Street
Lebanon PA 17042

PA Office Of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg PA 17120-0225

Respectfully Submitted,

this 2nd day of February, 2012

by Ernest E. Thomas Jr.

Ernest E. Thomas Jr.
#GY2149
SCI Somerset
1600 Walters Mill Road
Somerset PA 15510



January 17, 2012

Lisa Arnold
Lebanon County Prothonotary
Room 104, Municipal Building
400 South 8th Street
Lebanon, PA 17042

RE: *Thomas v. Wolgemuth and Lebanon County*, Dkt. No. 2012-00063

Dear Ms. Arnold:

The OOR has the discretion under the Right-to-Know Law to determine whether it will respond in actions to review its final determinations. *See* 65 P.S. § 1303(a).

On behalf of the OOR, I am notifying the Court that the OOR rests upon its Final Determination and will not be filing a brief or appearing for argument in the above listed appeal.

Respectfully,

A handwritten signature in black ink, appearing to read "Dena Lefkowitz", is written over a horizontal dotted line.

Dena Lefkowitz
Chief Counsel

cc: Ernest Thomas, Jr., Jamie Wolgemuth
File

April 4, 2012

ENTERED & FILED

2012 APR 10 P 2:53

To: Ms. Lisa Arnold
Clerk Of Courts
Room 102, Municipal Building
400 South 8th Street
Lebanon PA 17042

PROTHONOTARY OFFICE
LEBANON, PA

Re: Docket No. 2012 - 00063

Dear Ms. Arnold,

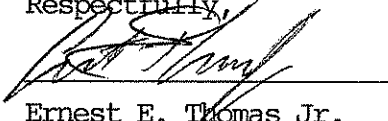
First, A Rule To Show Cause was issued upon the Lebanon County Open Records Office and its Officer on January 10, 2012; that Rule Returnable 14 days from the date of that order or on or about January 24, 2012. This elicited no response from the served parties.

Second, Per your correspondence of March 30, 2012, enclosed are two proposed Court Orders. One to be attached to the MOTION TO MOVE THE COURT TO ENFORCE FINAL DETERMINATION OF PA OFFICE OF OPEN RECORDS (First Matter), the other to be attached to the Motion TO MOVE THE COURT TO ENTER AN ORDER AWARDING PETITIONER FINANCIAL CONSIDERATION (Second Matter).

Please attach these proposed Orders to the Motion filed with your Office on March 29, 2012 and submit that Motion to the Court.

Thanking you in advance.

Respectfully,



Ernest E. Thomas Jr.
#GY2149
SCI Somerset
1600 Walters Mill Road
Somerset PA 15510

cc/file