July 19, 2018

John Morganelli, District Attorney
Northampton County District Attorney’s Office
669 Washington Street
Easton, PA 18042

OOR Docket No.: AP 2018-0574
Lehigh County RTKL Appeal No.: 3-ORA-2018

Dear Attorney Morganelli,

Enclosed please find a copy of the Order dated today, in the above subject matter,

Very truly yours,

/s/ Heather F. Gallagher
Right to Know Appeals Officer

HFG/mcr
cc: Dr. Michelle Ann DeCrosta, Requester
Chief Daniel G. Pancoast, Open Records Officer, Bethlehem Twp. P.D.
Jill S. Wolfe, OOR Appeals Officer
OPEN RECORDS APPEALS
LEHIGH COUNTY, PENNSYLVANIA

IN THE MATTER OF: : Lehigh County Appeals
MICHELLE ANN DECROSTA, : Docket No.
Requester : 3-ORA-2018

v. : OOR Docket No.

BETHLEHEM TOWNSHIP POLICE DEPARTMENT, : AP 2018-0574
Respondent

ORDER

AND NOW, we have before us a June 12, 2018 Final Determination issued by the PA Office of Open Records ("OOR") transferring the Requester’s appeal to the Appeals Officer for the Lehigh County District Attorney’s Office.

The PA OOR Final Determination states that, “the Requester is clearly seeking records of an ‘investigation’ of identity theft and fraud, including ‘police incident report’ and generally, such records are criminal in nature and could be exempt from disclosure, 65 P.S. § 67.708(b)(16) and that OOR lacks jurisdiction.” In addition, OOR cited Section 503(d)(2) of RTKL which states that the District Attorney of a county shall designate one or more appeals officer to hear appeals relating to access to criminal investigative records in possession of a local agency of that county.
Upon review of the records, it is determined that the PA OOR Appeals Officer transferred the instant appeal to Lehigh County District Attorney’s Office in error. The initial local agency, who denied the Requestor’s Right-To-Know request, is the Bethlehem Township Police Department that is under the Northampton County jurisdiction and not under Lehigh County’s. For this reason, this appeal will be transferred to the Northampton County Office of the District Attorney’s designated RTKL Appeals Officer.

AND NOW, this 19th day of July, 2018;

IT IS HEREBY ORDERED that the instant appeal is TRASFERRED FORTHWITH to the designated Appeals Officer of the Northampton County District Attorney’s Office.

HEATHER F. GALLAGHER
RTKL Appeals Officer
Office of the District Attorney
Lehigh County, Pennsylvania