

JAMES B. MARTIN
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July 19, 2018

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

*RE: Transferred Appeal – Michelle DeCrosta v. Bethlehem Township Police Dept.
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

RECEIVED

JUL 24 2018

OFFICE OF OPEN RECORDS

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
	:	Docket No.
MICHELLE ANN DECROSTA,	:	
Requester	:	3-ORA-2018
	:	
v.	:	
	:	
BETHLEHEM TOWNSHIP POLICE	:	OOR Docket No.
DEPARTMENT,	:	AP 2018-0574
Respondent	:	

ORDER

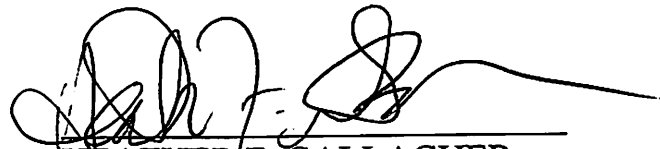
AND NOW, we have before us a June 12, 2018 Final Determination issued by the PA Office of Open Records (“OOR”) transferring the Requester’s appeal to the Appeals Officer for the Lehigh County District Attorney’s Office.

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.

A handwritten signature in black ink, appearing to read 'Heather F. Gallagher', written over a horizontal line.

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