

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
CIVIL DIVISION

PINE RICHLAND SCHOOL DISTRICT

SA 17-000876

PETITIONER,

V.

FILED BY:

JUDGE W. TERRENCE O'BRIEN

MARK SCHMITT,

RESPONDENT,

AND

PENNSYLVANIA OFFICE OF OPEN
RECORDS,

INTERESTED PARTY

DECISION UNDER
THE RIGHT-TO-KNOW LAW

COPIES SENT TO:

MEGAN M. TURNBULL, ESQUIRE
GOEHRING, RUTTER & BOEHM
1424 FRICK BUILDING
PITTSBURGH, PA 15219

JAMES R. HANKLE, ESQUIRE
SHERRARD, GERMAN & KELLY
535 SMITHFIELD STREET
PITTSBURGH, PA 15222

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DEPT. OF COURT RECORDS
CIVIL FAMILY DIVISION
ALLEGHENY COUNTY, PA

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AND NOW, this 5th day of December, 2017, the appeal by the Pine Richland School District is sustained. Section 6 of the Final Determination of the Office of Open Records, found at pages 15-19 of said decision, is reversed. The Requester concedes that the record in question, PRSD0019 (Petitioner's Hearing Exhibit 1), is record reflecting "[t]he internal, predecisional deliberation" of the District. 65 P.S. § 67.708(b) (10) (i) (A). The exempt status of the record was not, as argued by the Requester, destroyed by its presentation "to a quorum [of the school board] for deliberation". *Id.* at (b) (10) (ii). Based on the testimony of District employee Owen Kenney, Esquire, at the hearing before me on November 17, 2017, as

well as his Supplemental Affidavit and the entire record, I find that PRSD0019 was presented to a quorum of the school board sitting in *executive session* at which legal advice was given on a subject to which PRSD0019 pertained. The record, therefore, retains its exempt status under the Right-To-Know Law.

BY THE COURT,

_____

J.