

June 2, 2020

VIA FIRST CLASS MAIL

Michael Krimmel, Esq.
Chief Clerk
Commonwealth Court of Pennsylvania
Pennsylvania Judicial Center
601 Commonwealth Avenue, Suite 2100
Harrisburg, PA 17106-2575

**RE: Submission of Record in:
Pennsylvania Department of Education v. Allen Wing,
No. 146 CD 2020**

Dear Mr. Krimmel:

We hereby submit the record in the above-referenced matter. Section 1303 of the Right-to-Know Law, 65 P.S. §§ 67.101, *et seq.*, (“RTKL”), defines the Record on Appeal as “the record before a court shall consist of the request, the agency’s response, the appeal filed under section 1101, the hearing transcript, if any, and the final written determination of the appeals officer.” Pursuant to *Department of Transportation v. Office of Open Records*, 7 A.3d 329 (Pa. Commw. Ct. 2010), this record includes all “evidence and documents admitted into evidence by the appeals officer pursuant to Section 1102(a)(2).” The record in this matter consists of the following:

Office of Open Records Docket No. 2019-2293:

1. The appeal filed by Allen Wing (“Requester”) to the Office of Open Records (“OOR”), received November 18, 2019.
2. Official Notice of Appeal dated November 19, 2019, sent to both parties by the OOR, advising them of the docket number and identifying the appeals officer for the matter.
3. The submission filed by the Department of Education and confirmation of receipt by the Requester dated November 26, 2019.
4. The Final Determination dated January 15, 2020, issued by the OOR.

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The OOR has discretion to hold a hearing on appeals filed but chose not to do so in this matter. Therefore, there is no transcript to transmit. Certification of the record in this case is attached to this letter. Please feel free to contact us for any reason in connection with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Rees Brown". The signature is fluid and cursive, with a large initial "C" and "R" that are interconnected.

Charles Rees Brown
Chief Counsel

Attachments

cc: Allen Wing (Requester)
Robert M. Tomaine, Jr., Esq. (Agency)

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PENNSYLVANIA DEPARTMENT
OF EDUCATION,
Petitioner,

v.

ALLEN WING,
Respondent.

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No. 146 CD 2020

CERTIFICATION OF RECORD

I hereby certify the contents of the record transmitted with this Certification of Record pursuant to Pa.R.A.P. 1952 in *Allen Wing v. Pennsylvania Department of Education*, OOR Dkt. AP 2019-2293, which is the subject of this appeal.

The record transmitted with this certification is generated entirely from the Office of Open Records database. It is our practice to scan in each and every document submitted in an appeal. Thus, no originals are being transmitted to this Court.

I certify that this filing complies with the provisions of the 'Public Access Policy of the Unified Judicial System of Pennsylvania Case Records of the Appellate and Trial Courts' that require filing confidential information and documents differently than non-confidential information and documents.

Also, my signature on this Certification of Record and on all other correspondence directed to the Commonwealth Court in connection with this matter may be electronic and not original. I hereby certify that this is my true and correct signature and that I have approved the use thereof for these purposes.



Erik Arneson, Executive Director
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Phone: (717) 346-9903
Fax: (717) 425-5343
E-mail: OpenRecords@pa.gov

Dated: June 2, 2020

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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No. 146 CD 2020

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the Certified Record upon the following by First Class Mail, pre-paid or by Email at the address or email listed below:

Robert M. Tomaine, Jr., Esquire
Department of Education
Office of General Counsel
333 Market Street, 9th Floor
Harrisburg, PA 17120
rtomaine@pa.gov

Allen Wing
2412 North 54th St
Philadelphia, PA 19131
mrallenwing@gmail.com



Faith Henry, Administrative Officer
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Phone: (717) 346-9903
Fax: (717) 425-5343
E-mail: fahenry@pa.gov

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No. 146 CD 2020

CERTIFIED RECORD

Charles Rees Brown
Chief Counsel
Commonwealth of Pennsylvania
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333 Market Street, 16th Floor
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RECORD**

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OOR Dkt. AP 2019-2293

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