



pennsylvania
OFFICE OF OPEN RECORDS

October 17, 2012

Barbara Fairchild (via mail and e-mail)
Forty Fort Borough
Municipal Building
1271 Wyoming Avenue
Forty Fort, PA 18704-4199

RE: Request for Advisory Opinion

Dear Ms. Fairchild:

The Office of Open Records (“OOR”) is in receipt of your request for an Advisory Opinion related to a request to Forty Fort Borough filed by an individual identified as Officer Peter Lakkis. Specifically, you sought the OOR’s opinion as to whether certain requested records constitute “public records” under the RTKL.

The OOR is an independent quasi-judicial agency that hears appeals from local and Commonwealth agencies. While the OOR answers general questions related to the Right-to-Know Law, 65 P.S. §§ 67.101, *et seq.* (“RTKL”), the OOR is precluded from offering legal advice about specific questions that may come before the OOR, such as your specific question.

The OOR will not issue an advisory opinion or offer legal advice related to how to respond to this particular request, as the OOR is charged with evaluating an agency’s response during the appeals process. Notwithstanding the foregoing, you should consider reviewing 65 P.S. § 67.708(b)(6)(ii) and consulting with your solicitor.

For more information concerning the RTKL, please see our website at <http://openrecords.state.pa.us>. For more information concerning advisory opinions, please see our website at <https://www.dced.state.pa.us/public/oor/ao/AdvisoryOpinions.pdf>.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Schnee".

J. Chadwick Schnee, Esq., Assistant Chief Counsel

cc: Terry Mutchler, Executive Director

FORTY FORT BOROUGH

MUNICIPAL BUILDING, 1271 WYOMING AVENUE, FORTY FORT, PA 18704-4199

(570) 287-8586



October 4, 2012

Executive Director of the Office of the Open Records

400 North Street

Harrisburg, PA 17120

RE: Right to Know Request-Officer Peter Lakkis

To whom this may concern,

Enclosed please find a copy of a right to know request I received from Officer Peter Lakkis requesting payroll information. Our office has payroll records that exist currently with information for Mr. Lakkis which also include other employee's information. I currently believe that time sheets are public records. I would appreciate if you could provide verification if they are. If so, since the current information contains other individual's information, does their information have to be redacted for me to respond to the right to know request?

Mr. Lakkis has previously filed civil action based on the first amendment violation for free speech rights against our Chief of Police, Mr. Fred Lahovski and President of Council, Mr. Joseph Chacke III, which is currently pending. We do not want to have any situations to arise during the interim of this inquiry. We would like to respond as quickly as possible.

I have been advised by Mr. Chacke to submit a 30 day response letter and to submit this advisory opinion inquiry until an advisory opinion is determined. I am enclosing a copy of such notice.

If you have any questions, or need any additional information, please feel free to contact our office at 570-287-8586.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Fairchild".

Barbara Fairchild, Manager

Right to Know Officer

Forty Fort Borough

Enclosures (2)



pennsylvania

OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 10/04/2012

REQUEST SUBMITTED BY: E-MAIL U.S. MAIL FAX IN-PERSON

NAME OF REQUESTOR: PETER JOE LAKKIS

STREET ADDRESS: [REDACTED]

CITY/STATE/COUNTY/ZIP (Required): [REDACTED]

TELEPHONE (Optional): [REDACTED]

RECORDS REQUESTED:

**Provide as much specific detail as possible so the agency can identify the information.*

*- THE FOLLOWING INFORMATION AS IT PERTAINS TO
PETER LAKKIS, EMPLOYEE OF FORTY FORT BOROUGH
+ UNIFORM ALLOWANCE USED IN 2012
+ SICK DAYS, PERSONAL DAYS, VACATION DAYS + COMPENSATORY
TIME USED SINCE 06-06-2011*

DO YOU WANT COPIES? (YES) or NO
DO YOU WANT TO INSPECT THE RECORDS? YES or NO
DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

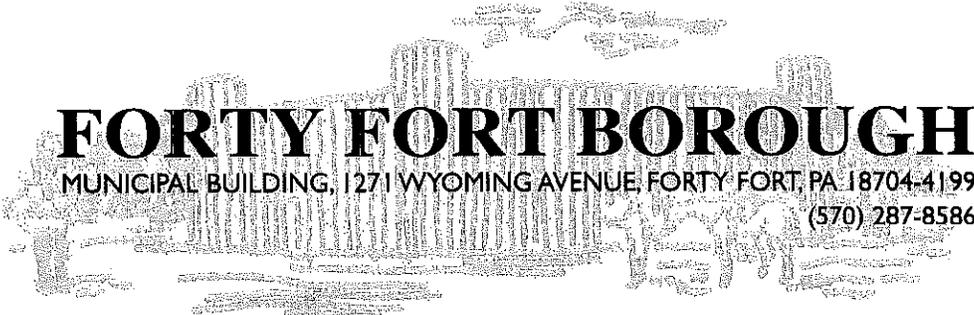
FOR LOCAL AGENCY USE

RIGHT TO KNOW OFFICER: Barbara Fairchild

DATE RECEIVED BY THE AGENCY: RECEIVED OCT 04 2012

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE: 10/11/12

***Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)*



FORTY FORT BOROUGH

MUNICIPAL BUILDING, 1271 WYOMING AVENUE, FORTY FORT, PA. 18704-4199

(570) 287-8586

October 4, 2012

Mr. Peter Lakkis



RE: Right to Know Request

Dear Mr. Lakkis,

Thank you for your right to know request dated October 4, 2012. Due to the amount of information you are requesting, I will need a 30 day extension to try to satisfy your request.

If you have any other questions, please feel free to contact me at 570-287-8586. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Fairchild".

Barbara Fairchild, Manager

Right to Know Officer

Forty Fort Borough