

**From:** Applegate, Kyle <kyapplegat@pa.gov>  
**Sent:** Monday, October 24, 2022 11:15 AM  
**To:** reaganfive@protonmail.com  
**Cc:** Isenberg, Kelly; County Open Records; DC, OpenRecords  
**Subject:** RE: [External] Fwd: RTK - Appeal Final Determination

Good morning,

I am responding to this email on behalf of Appeals Officer Isenberg. Our office's jurisdiction in the matter has ended with the issuance of the Final Determination, and we are unable to undertake any sort of enforcement action. You may wish to review our website at <https://www.openrecords.pa.gov/Appeals/PostFD.cfm>, which explains options that may be available to parties after the issuance of a Final Determination. If you have any further questions concerning the agency's compliance with the Final Determination, you should seek the advice of legal counsel, as our office is unable to provide any legal advice. Thank you.

Sincerely,



**Kyle Applegate**  
Chief Counsel  
Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor  
Harrisburg, PA 17101-2234  
Phone: (717) 346-9903  
Fax: (717) 425-5343  
<https://www.openrecords.pa.gov>  
[@OpenRecordsPA](#)

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**From:** Mike Miller <[reaganfive@protonmail.com](mailto:reaganfive@protonmail.com)>  
**Sent:** Friday, October 21, 2022 5:28 PM  
**To:** County Open Records <[openrecords@co.lancaster.pa.us](mailto:openrecords@co.lancaster.pa.us)>; Isenberg, Kelly <[kisenberg@pa.gov](mailto:kisenberg@pa.gov)>; DC, OpenRecords <[RA-OpenRecords@pa.gov](mailto:RA-OpenRecords@pa.gov)>  
**Subject:** [External] Fwd: RTK - Appeal Final Determination

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Dear Parties,

By this email, I respectfully provide notice to PA OOR of the letter which the county records officer sent me on 10/5 on behalf which of the county solicitor. I have attached the email and letter below. Over the past two weeks I have tried to reason with the solicitor to reconsider her position but she has declined.

Mrs. Isenberg, in an effort to be reasonable and avoid conflict, I respectfully ask you to redirect the agency / solicitor in this matter. My request was/is to inspect and copy the records, as stated and argued in my appeal. At the time of appeal, the agency did not argue that the applicable statutes require it to impose the conditions enumerated in the solicitor's letter which are not named in the law. PA OOR should forbid it take up that argument against the requestor after the matter has been determined. *Good faith does not suffer the same thing to be demanded twice.* Please direct the county to honor my request as written.

Secondly, please instruct the agency about its general authority in this matter. The agency does not have authority to create policies which restrict access and use of the public's records beyond what the statutes specifically require. This is the opposite purpose of government and the Right to Know Law.

I further request that the county's letter be placed on the docket for this case as record of the agency's actions.

Thank you kindly,  
Mike Miller

Sent from Proton Mail for iOS

----- Forwarded message -----

From: Bender, Tammy <[TBender@co.lancaster.pa.us](mailto:TBender@co.lancaster.pa.us)>  
Date: On Wed, Oct 5, 2022 at 4:09 PM  
Subject: Fwd: RTK - Appeal Final Determination  
To: [reaganfive@protonmail.com](mailto:reaganfive@protonmail.com) <[reaganfive@protonmail.com](mailto:reaganfive@protonmail.com)>  
Cc: Pfursich, Jacquelyn E <[JEPfursich@co.lancaster.pa.us](mailto:JEPfursich@co.lancaster.pa.us)>

Good Day:

On behalf of Solicitor Pfursich, please find the attached correspondence.

Thank you.

Tammy L. Bender

County of Lancaster

Open Records Officer

150 N. Queen Street, Suite 714

Lancaster, PA 17603