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May 2, 2023

Via email

Rep. John Lawrence
1 Commerce Blvd, Suite 200
West Grove, PA 19390
JLawrence@pahousegop.com

RE: Right to Know Law Request

Dear Rep. Lawrence:

This firm is counsel to the Receiver for the City of Chester. I am writing in response to your request under the Pennsylvania Right to Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* A copy of your request is attached. Your request was emailed to the Office of the Receiver at 2:07 p.m. on Thursday, April 20, 2023. On April 26, 2023, this firm sent you a letter invoking the statutorily permitted 30-day extension to respond to your request.

Upon further review, your request is denied for the reasons set forth below, and as explained in the letter and affidavit of the Receiver attached hereto.

Denial Reason 1 – Records Do Not Exist, RTKL, 65 P.S. § 67.705

Your request is denied because the records you are seeking do not currently exist as you requested or because the agency does not currently compile, maintain, format, or organize the record in the manner requested. RTKL, 65 P.S. § 67.705, Creation of Record states, “When responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile,

maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.”

SPECIFIC RESPONSES TO EACH REQUEST IS AS FOLLOWS:

Request: Copies of the “two credible plans” provided by Chester Mayor Kirkland to Receiver Michael Doweary as referenced in the April 17, 2023 DV Journal Article Entitled “Receiver: Chester’s Dire Financial Straits May Lead to Disincorporation.”

RESPONSE: Your request is denied pursuant to denial reason no. 1. Specifically, your request is denied because you are requesting records that do not exist.

RIGHT TO APPEAL

YOU HAVE A RIGHT TO CHALLENGE A DENIAL OF YOUR REQUESTS. IN ORDER TO DO SO, YOU MUST FILE YOUR APPEAL WITHIN FIFTEEN (15) BUSINESS DAYS OF THE MAILING DATE OF THIS LETTER. YOUR APPEAL MUST INCLUDE:

- A COPY OF THE RTK REQUEST
- A COPY OF THE AGENCY’S RESPONSE (OR WRITTEN STATEMENT THAT THE REQUEST WAS DEEMED DENIED MEANING THE AGENCY DIDN’T RESPOND AT ALL
- A STATEMENT INCLUDING THE GROUND(S) SUPPORTING YOUR ASSERTION THAT YOUR REQUEST(S) IS A REQUEST(S) FOR A PUBLIC RECORDS AND A STATEMENT ADDRESSING ANY GROUND(S) STATED BY THE AGENCY IN DENYING YOUR REQUEST(S)

APPEAL FORMS AND DETAILED INSTRUCTIONS FOR FILING THE APPEAL CAN BE FOUND ON THE PENNSYLVANIA OFFICE OF OPEN RECORDS WEBSITE; *See* <http://www.openrecords.pa.gov/Appeals/HowtoFile.cfm> (last visited May 1, 2023).

YOUR APPEAL MUST BE SENT TO THE FOLLOWING OFFICE:

Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Via Facsimile: 717-425-5343
Via Email: openrecords@pa.gov

Thank you for your consideration and please feel free to contact me if you have any questions or concerns regarding this letter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Tiffany Allen".

Tiffany Allen



Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied.

SUBMITTED TO AGENCY NAME: OFFICE OF THE RECEIVER FOR THE CITY OF CHESTER (Attn: AORO)

Date of Request: APRIL 18 2023 Submitted via: [X] Email [] U.S. Mail [] Fax [] In Person

PERSON MAKING REQUEST:

Name: REP. JOHN LAWRENCE Company (if applicable):

Mailing Address: 1 COMMERCE BLVD STE 200

City: WEST GROVE State: PA Zip: 19390 Email: JLAWRENCE@PAHOUSEGOP.COM

Telephone: 610-869-1602 Fax:

How do you prefer to be contacted if the agency has questions? [] Telephone [X] Email [] U.S. Mail

RECORDS REQUESTED: Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. RTKL requests should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law. Use additional pages if necessary.

COPIES OF THE "TWO CREDIBLE PLANS" PROVIDED BY CHESTER MAYOR KIRKLAND TO RECEIVER MICHAEL DOWEARY AS REFERENCED IN THE APRIL 17, 2023 DVJOURNAL ARTICLE ENTITLED "RECEIVER: CHESTER'S DIRE FINANCIAL STRAITS MAY LEAD TO DISINCORPORATION."

- DO YOU WANT COPIES? [] Yes, printed copies (default if none are checked) [X] Yes, electronic copies preferred if available [] No, in-person inspection of records preferred (may request copies later)

Do you want certified copies? [] Yes (may be subject to additional costs) [X] No RTKL requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.

Please notify me if fees associated with this request will be more than [X] \$100 (or) [] \$

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: Date Received: Response Due (5 bus. days):

30-Day Ext.? [] Yes [] No (If Yes, Final Due Date:) Actual Response Date:

Request was: [] Granted [] Partially Granted & Denied [] Denied Cost to Requester: \$

[] Appropriate third parties notified and given an opportunity to object to the release of requested records.

May 1, 2023

VIA EMAIL – JLAWRENCE@PAHOUSEGOP.COM

The Honorable John Lawrence
1 Commerce Blvd., Suite 200
West Grove, PA 19390

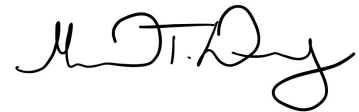
RE: Right to Know Request to Office of the Receiver for the City of Chester Dated April 18, 2023

Dear Representative Lawrence:

Thank you for your April 18, 2023, Right to Know Request seeking, "Copies of the 'two credible plans' provided by Chester Mayor Kirkland to Receiver Michael Doweary as referenced in the April 17, 2023, DVJournal article entitled 'Receiver: Chester's Dire Financial Straits May Lead to Disincorporation.'" This will serve as a response to your request.

We do not know what documents that Mayor Kirkland is referencing when he refers to "two credible plans." My office has not received any plans from Mayor Kirkland. We suggest that you make this request of Mayor Kirkland and, in the event that you receive a response, we would appreciate it if you could please provide us with that information as well.

Sincerely,



Receiver Michael Doweary

AFFIDAVIT

I, MICHAEL DOWEARY, Receiver for the City of Chester, hereby swear and affirm that:

1. I was appointed to be the Reciever for the City of Chester on June 22, 2020.
2. I have reviewed the Right to Know request emailed to my office by Representative John Lawrence on April 20, 2023.
3. In my capacity as Receiver for the City of Chester, I am familiar with the records contained in my office.
4. Upon receipt of the request, I conducted a thorough examination of files in the possession, custody and control of my office, and searched my email account for all responsive documentation.
5. Upon receipt of the request, I directed my Chief of Staff, Vijay Kapoor, to conduct a thorough examination of files in his possession, custody and control, including a search of his email account for all responsive documentation.
6. After conducting a good faith search of my office's files and email account, including my deleted emails folder, we have not identified any records within the Agency's possession, custody and control that are responsive to Rep. Lawrence's Request for copies of the "two credible Plans" allegeddly provided by Chester City Mayor Thaddeus Kirkland.
7. After conducting a good faith search of Mr. Kapoor's files and email account, including his deleted emails folder, we have not identified any records within the Agency's possession, custody and control that are responsive to Rep. Lawrence's Request for copies of the "two credible Plans" allegeddly provided by Chester City Mayor Thaddeus Kirkland.

8. The facts set forth above are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities.

5-2-2023

DATE



MICHAEL DOWEARY
RECEIVER
CITY OF CHESTER