

IN THE SENATE OF PENNSYLVANIA

Appeal of Lauchle

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Senate RTK Appeal 02-2025

FINAL DETERMINATION
September 24, 2025

INTRODUCTION

Terri Lauchle (“Requester”) submitted a request to the Senate of Pennsylvania¹ (“Senate”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking various records related to funding for a project in Muncy Township. The Senate Open Records Officer (“Senate RTKL Officer”) denied the request. Requester submitted a subsequent request asking the Senate RTKL Officer to reconsider the denial. That request was also denied by the Senate RTKL Officer. Requester then filed the present appeal. For the reasons stated in this Final Determination, the appeal is denied, and the Senate is not required to take any further action on this request.

FACTUAL BACKGROUND

On July 28, 2025, Requester submitted a RTKL request to the Office of Senator Gene Yaw seeking the following:

“All records, emails, letters, meeting notes or communications concerning efforts to secure grants, appropriations, or other state funding in [the] amount of \$8 million (or any similar figure) for the Bass Pro Shop project planned at the former Lycoming Mall area (‘The District’) in Muncy Township.

Any communications or documents referencing the Williamsport/Lycoming Chamber of Commerce’s potential financial obligations for this loan or financing.

¹ The request was directed to the Office of Senator Gene Yaw. That office forwarded the request to the Senate RTKL Officer pursuant to Section 703 of the RTKL. 65 P.S. § 67.703.

Any internal memoranda or reports discussing the status, likelihood, or timeline of securing this funding.”²

On August 1, 2025, the Senate RTKL Officer timely responded to Requester, denying her request on the basis that the records requested are not legislative records under the RTKL.³ The Senate RTKL Officer directed the Requester to both the Pennsylvania Senate website and the website of Senator Yaw for legislative records available under the RTKL and other information. The Senate RTKL Officer also provided the Requester with information concerning how Requester could appeal the denial under the RTKL. 65 P.S. § 67.903.

On August 4, 2025, Requester submitted a request for reconsideration, disputing the bases on which the initial request was denied.⁴ Requester requested that the Senate RTKL Officer reconsider the denial and “conduct a good faith search for any responsive records that are not strictly legislative records – specifically, those reflecting external communications of financial matters.”

On August 11, 2025, the Senate RTKL Officer timely responded, denying the request for reconsideration and stating that “[t]here are no legislative records of the Senate of Pennsylvania responsive to the request and the records specifically requested [...], if any exist, are not included within the definition of legislative record.”⁵

On August 25, 2025, Requester timely submitted an appeal of the denial via Certified Mail to the Senate Appeals Officer.⁶ In her appeal, Requester asserts four grounds on which the Senate’s

² A copy of the RTKL request is attached to this Final Determination and labeled “Requester’s Request.”

³ The Senate’s response is attached and labeled “Senate’s Response.”

⁴ A copy of the reconsideration request is attached and labeled “Requester’s Request for Reconsideration.”

⁵ A copy of the reconsideration request denial is attached and labeled “Senate’s Response to Request for Reconsideration.”

⁶ Upon review of the appeal, the Senate Appeals Officer determined Requester’s appeal appeared to be missing certain pages and notified the Requester via letter. On August 29, 2025, Requester submitted a copy of the appeal with the missing pages. A copy of the appeal is attached and labeled “Requester’s Appeal.”

denial of her request should be reversed. First, Requester states that the Senate's interpretation of legislative record is "overly narrow." She suggests that communications with third parties about funding proposals implicating public funds are "not purely internal legislative work product" and could fall within the definition of legislative records as either "financial records" or "administrative staff manuals or written policies." Second, Requester contends that the Senate failed to conduct a good faith search, and that the Senate's claim that it was not obligated to conduct a search "conflates the definition of a record with the duty to search, effectively allowing the agency to decide the outcome before reviewing potentially responsive materials." Requester's third ground for appeal is that her request was sufficiently specific, and not a fishing expedition. Finally, Requester asserts that the public interest and accountability weigh in favor of disclosure of the records, and that the RTKL's presumption of openness should be applied to maximize transparency.

In terms of relief requested, the Requester seeks an order: (1) requiring the Senate to produce any responsive records that qualify as "legislative records"; (2) providing for *in camera* review of any withheld records; and (3) requiring the Senate to certify whether responsive records exist and, if so, whether they have been reviewed.

On August 29, 2025, the Senate Appeals Officer issued a submission schedule to the parties.⁷

On September 5, 2025, Requester submitted a memorandum of law in support of her appeal.⁸

On September 9 2025, counsel for the Senate submitted a letter brief in support of the Senate's position.⁹

⁷ A copy of the submission schedule is attached and labeled "Submission Schedule."

⁸ A copy of the memorandum is attached and labeled "Requester's Memorandum of Law."

⁹ The Senate's letter brief is attached and labeled "Senate's Letter Brief."

Finally, on September 17, 2025, Requester submitted a rebuttal brief in support of her appeal.¹⁰

LEGAL ANALYSIS

“[T]he objective of the Right-to-Know Law...is to empower citizens by affording them access to information concerning the activities of their government.” *SWB Yankees LLC v. Wintermantel*, 45 A.3d 1029, 1042 (Pa. 2012). Further, the law is “designed to promote access to official government information in order to prohibit secrets, scrutinize the actions of public officials, and make public officials accountable for their actions.” *Pennsylvania State Police v. McGill*, 83 A.3d 476, 479 (Pa. Cmwlth. 2014) (citing *Office of Governor v. Scolforo*, 65 A.3d 1095, 1100 (Pa. Cmwlth. 2013)).

The Senate is a legislative agency subject to the RTKL, and, as such, is required to disclose its legislative records. 65 P.S. § 67.303(a). A legislative record in the possession of a legislative agency is presumed to be a public record in accordance with the RTKL unless an exemption applies. 65 P.S. § 67.305(b). The burden of proving that a legislative record is exempt from public access is on the legislative agency receiving a request by a preponderance of the evidence. 65 P.S. § 67.708(a)(2).

Under the RTKL, legislative agencies are only required to provide statutorily defined legislative records. *See* 65 P.S. § 67.303(a). Legislative records are limited in scope and comprise only those records specifically designated as such in the RTKL. If the record or document sought does not satisfy the definition of a legislative record, there is no need to discuss whether the document is in the possession, custody or control of the legislative agency or whether there are

¹⁰ A copy of Requester’s rebuttal submission is attached and labeled “Requester’s Rebuttal Submission.”

exemptions to disclosure. In such instances, the record or document is not subject to disclosure under the RTKL.

Section 102 of the RTKL defines legislative record as:

"Legislative record." Any of the following relating to a legislative agency or a standing committee, subcommittee or conference committee of a legislative agency:

- (1) A financial record.*
- (2) A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the rules of a chamber.*
- (3) Fiscal notes.*
- (4) A cosponsorship memorandum.*
- (5) The journal of a chamber.*
- (6) The minutes of, record of attendance of members at a public hearing or a public committee meeting and all recorded votes taken in a public committee meeting.*
- (7) The transcript of a public hearing when available.*
- (8) Executive nomination calendars.*
- (9) The rules of a chamber.*
- (10) A record of all recorded votes taken in a legislative session.*
- (11) Any administrative staff manuals or written policies.*
- (12) An audit report prepared pursuant to the act of June 30, 1970 (P.L.442, No.151) entitled, "An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission."*
- (13) Final or annual reports required by law to be submitted to the General Assembly.*
- (14) Legislative Budget and Finance Committee reports.*
- (15) Daily legislative session calendars and marked calendars.*
- (16) A record communicating to an agency the official appointment of a legislative appointee.*
- (17) A record communicating to the appointing authority the resignation of a legislative appointee.*
- (18) Proposed regulations, final-form regulations and final-omitted regulations submitted to a legislative agency.*
- (19) The results of public opinion surveys, polls, focus groups, marketing research or similar efforts designed to measure public opinion funded by a legislative agency.*

65 P.S. § 67.102.

Additionally, Section 102 of the RTKL defines financial record as:

"Financial record." Any of the following:

- (1) Any account, voucher or contract dealing with:
 - (i) the receipt or disbursement of funds by an agency; or*
 - (ii) an agency's acquisition, use or disposal of services, supplies, materials, equipment or property.**
- (2) The salary or other payments or expenses paid to an officer or employee of an agency, including the name and title of the officer or employee.*
- (3) A financial audit report. The term does not include work papers underlying an audit.*

65 P.S. § 67.102.

Unless a record satisfies one of the categories of legislative records enumerated under Section 102 of the RTKL, it is not required to be produced by a legislative agency under the RTKL.

65 P.S. § 67.102.

1. The records requested by Requester are not legislative records.

The Senate RTKL Officer denied the request on the basis that the records requested are not legislative records. Furthermore, in response to the request for reconsideration submitted by Requester, the Senate RTKL Officer further responded that “there are no legislative records of the Senate of Pennsylvania responsive to the request and the records requested (‘...emails, letters, meeting minutes, notes, or any communications...’, ‘...grant applications, funding proposals, economic incentive discussions...’, ‘ internal memos, meeting notes,...’), if any exist, are not included within the definition of legislative record.” The Senate RTKL Officer pointed to prior final determinations and caselaw in which other categories of materials were determined not to be legislative records.

In her appeal, Requester contends that the Senate RTKL Officer’s reading of the definition of legislative record under the RTKL was overly narrow. Requester points to Section 102 of the RTKL and asserts that the requested records could fit within two categories of legislative records: financial records, or administrative staff manuals or written policies. Requester then contends that

“communications with third parties about funding proposals for a specific project implicating public funds are not purely internal legislative work product and can fall within these categories.”

In their letter brief, the Senate points out that the requester did not specify either of the two categories of legislative record in her RTKL request and cannot change her request on appeal. Furthermore, the Senate points out that the appeal explicitly states that what Requester is seeking are “communications.” Finally, the Senate highlights the fact that in her request for reconsideration, Requester admits that the records sought are “not strictly legislative records – specifically, those reflecting external communications of financial matters.”

The Senate RTKL Officer’s denial of the request points to prior rulings supporting the Senate’s interpretation of the RTKL, including the *Couloumbis* case in which the Commonwealth Court upheld the Senate’s denial of a similar RTKL request seeking “communications.” *Couloumbis v. Senate of Pennsylvania*, 334 A.3d 48, (Pa. Cmwlth. 2025). In that case, which parallels the present appeal, the Commonwealth Court noted that “communications” are not included under the definition of legislative record, and that if the legislature had intended to include communications within the definition of legislative records it could have done so. *See Couloumbis* at 54.

Furthermore, appeals under the RTKL are limited to considering the request as written, and not as explained on appeal. *See Lemmon v. Borough of Paxtang*, OOR Docket No. AP 2022-2772, slip op, at 4-5 (Final Determination, March 3, 2023) (citing *Pennsylvania State Police v. Office of Open Records*, 995 A.2d 515, 516 (Pa. Cmwlth. 2010)). Once a requester submits a request under the RTKL, the requester may not modify, explain, or expand the request on appeal. *See Smith Butz, LLC v. Department of Environmental Protection*, 142 A.3d 941, 945-46 (Pa. Cmwlth. 2016) (citing *Department of Corrections v. Disability Rights Network of Pennsylvania*, 35 A.3d 830, 833

(Pa. Cmwlth. 2012)). An agency makes its decision of accessibility of a record under the RTKL as the request is plainly written. *See Butz* at 945. Therefore, the primary issue in this appeal is whether Requester's original request sought legislative records from the Senate.

In the request at issue, Requester sought the following three categories of records:

“All records, emails, letters, meeting notes or communications concerning efforts to secure grants, appropriations, or other state funding in [the] amount of \$8 million (or any similar figure) for the Bass Pro Shop project planned at the former Lycoming Mall area ('The District') in Muncy Township.

Any communications or documents referencing the Williamsport/Lycoming Chamber of Commerce's potential financial obligations for this loan or financing.

Any internal memoranda or reports discussing the status, likelihood, or timeline of securing this funding.”

Based on the plain language of the request, none of the records requested are listed among the nineteen categories enumerated under the definition of legislative record in the RTKL. Unless a requested record satisfies one of those enumerated categories, it is not a legislative record and is not required to be produced by a legislative agency under the RTKL. Therefore, because the records sought by the Requester are not legislative records under the RTKL, the Senate was not required to produce any records in response to the request.

2. Because the materials requested are not legislative records, the Senate was not required to conduct a good faith search for potentially responsive records.

Requester seeks an order requiring the Senate to produce responsive records, to certify whether records exist and whether they were reviewed, and for the Senate Appeals Officer to conduct *in camera* review of any withheld records.

Under the RTKL, the Senate, as a legislative agency, is required to provide legislative records in accordance with the law, and a legislative record in the possession of a legislative agency is presumed to be available in accordance with the law, unless certain exemptions apply. 65 P.S.

§ 303(a) and § 305(b). As noted above, if the record or document sought does not satisfy the definition of a legislative record, there is no need to discuss whether there are exemptions to disclosure. Having determined above that the materials sought in the request *are not* legislative records, there is no need to go further, and the RTKL does not require the Senate to provide the records, should any exist. The Senate's initial obligation under the RTKL was to make a good faith effort to determine if the records requested are legislative records, as defined under the RTKL. *See* 65 P.S. § 67.901. Here, the Senate determined that the requested records were not legislative records, and responded promptly by denying the request.

Having determined that the request did not seek legislative records, the Senate had no further obligation under the RTKL to search for responsive records. As noted by the Commonwealth Court in *Couloumbis*, "It would lead to an absurd result to require an agency, after determining requested records are not subject to disclosure because they are not legislative, public, or financial records, to determine whether the agency has possession, custody, or control of those records." *Couloumbis* at 55-56. As in *Couloumbis*, the Senate was not required to search for the requested records after it determined that they were not subject to disclosure under the RTKL.

Requester also argues that the records sought in her request are not purely legislative materials such as bills or voting records. Instead, she contends that they are financial and administrative records. The term "financial record" is defined under Section 102 of the RTKL and does not encompass the types of records Requester sought in her appeal. Notably, the definition does not include "communications." Similarly, while the definition of legislative record includes "administrative staff manuals or written policies" that language does not convert any document which is administrative in nature into legislative records. Applying the plain language of the RTKL to Requester's request, the records sought do not include either financial records or administrative

staff manuals or written policies, as set forth in the RTKL. Therefore, the records requested are not legislative records.

Because the Senate had no further obligation to search for responsive records after determining that the records requested are not legislative records, there is no basis for ordering the Senate to certify that it has conducted a good faith search or whether any responsive records exist. Nor is there any basis for ordering *in camera* review of responsive documents, if any existed. The Senate satisfied its obligations under the RTKL and need not take the further steps sought by Requester.

3. Addressing the remaining grounds cited in Requester's appeal.

Requester also notes in her appeal that her request was sufficiently specific for the records sought and therefore the request did not amount to an overly broad fishing expedition. But the Senate's denial of the request did not claim that the request lacked specificity. Instead, the Senate RTKL Officer considered the plain language of the request and denied the request on the basis that the records requested are not legislative records because they do not fall within the enumerated categories of legislative records under the RTKL. Specificity was not the basis for the denial.

Finally, the Requester appeals to the public interest and transparency to support requiring the Senate to disclose the requested records. The RTKL requires the Senate, as a legislative agency, to produce legislative records, as defined under the law. The Senate is not required to produce any records other than legislative records. In considering appeals under the RTKL, we are required to apply the statutory language enacted by the legislature rather than speculate as to whether the legislative spirit or intent differs from what has been plainly expressed. *See Couloumbis* at 53-54. In other words, we apply the plain language of the RTKL, rather than the perceived spirit of the

law. By doing so, we reach the conclusion that the Senate RTKL Officer's denial of the request was proper under the RTKL.

CONCLUSION

The documents sought by the Requester are not legislative records and therefore are not accessible under the Right-to-Know Law. Requester's appeal is denied and the Senate is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal.

IN THE SENATE OF PENNSYLVANIA

Appeal of Lauchle

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Senate RTK Appeal 02-2025

FINAL DETERMINATION
September 24, 2025

ORDER

AND NOW, this 24th day of September 2025, the appeal is DENIED. The Senate is not required to take any further action regarding the request.



MICHAEL GERDES
Senate Appeals Officer

APPEALING THIS DECISION TO COMMONWEALTH COURT

Within 30 days of the mailing date of this final determination, either party to this action may appeal the decision to the Commonwealth Court. 65 P.S. § 67.1301. If you have any questions about the procedure to appeal, you may call the Prothonotary of the Commonwealth Court at 717-255-1650.

Requester's Request



Pennsylvania Office of Open Records

Standard Right-to-Know Law Request Form

Please read carefully. Complete this form and retain a copy of **both** pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. More information about the RTKL is available at <https://www.openrecords.pa.gov>. In most cases, a completed RTKL request form is a public record.

SUBMITTED TO AGENCY NAME: Office of Senator Gene Yaw (Attn: AORO)

Date Request Submitted: 7/28/25 Submitted via: ☐ Email ☐ U.S. Mail ☐ Fax ☒ In Person

PERSON MAKING REQUEST:

Full Name: Terri Lauchle

Company (if applicable): Concerned Residents of Muncy Township and beyond

Please send response via: ☒ Email ☐ U.S. Mail

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: lauchlefarms @windstream.net

Mailing Address: 2361 Quaker Church Road

City: Pennsdale State: PA Zip: 17756 Telephone: 570.546.6317

How do you prefer to be contacted if the agency has questions? ☐ Telephone ☒ Email ☐ U.S. Mail

☒ By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States. **I understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.**

RECORDS REQUESTED: Provide as much detail as possible, including subject matter, time frame, and type of record sought. RTKL requests must seek records, not ask questions. Use additional pages if necessary.

Under the Pennsylvania Right-to-Know Law, I respectfully request copies of:

All records, e-mails, letters, meeting notes or communications concerning efforts to secure grants, appropriations, or other state funding in the amount of \$8 million (or any similar figure) for the Bass Pro Shop project planned at the former Lycoming Mall area ("The District") in Muncy Township.

Form continues on page 2. Retain a copy of **both** pages.

RECORDS REQUESTED (continued):

Any communications or documents referencing the Williamsport/Lycoming Chamber of Commerce's potential financial obligations for this loan or financing.

Any internal memoranda or reports discussing the status, likelihood, or timeline of securing this funding.

Please provide these records electronically, if possible. If you deny this request in whole or in part, please provide the specific legal justification as required by law.

John Tuckle

DO YOU WANT COPIES? ☒ Yes, printed ☐ Yes, electronic ☐ No, in-person inspection

Records shall be provided in the medium requested if they exist in that medium; otherwise, they shall be provided in the medium in which they exist. See Section 701. Your request may require payment or prepayment of fees. View the Official RTKL Fee Schedule for more details.

I understand that my request may incur fees. Notify me before further processing if fees will be more than ☐ \$100 (or) ☐ \$_____.

Do you want certified copies? ☐ Yes (may be subject to additional costs) ☒ No

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.

Retain a copy of both pages of this Form.

Senate's Response

RTK Officer (Pennsylvania State Senate)
RTK Request RTK-2025-32 Terri Lauchle - Response
Aug 1, 2025 at 3:26:10 PM
lauchlefarms@windstream.net
RTKofficer@occ.pasen.gov

Dear Ms. Lauchle,

I am responding to your recent RTK request which was received on Monday July 28, 2025, and in which you requested the following:

"All records, e-mails, letters, meeting notes or communications concerning efforts to secure grants, appropriations, or other state funding in th amount of \$8 million (or any similar figure) for the Bass Pro Shop project planned at the former Lycoming Mall area ("The District") in the Muncy Township.

Any communications or documents referencing the Williamsport/Lycoming Chamber of Commerce's potential financial obligations for this loan or financing.

Any internal memoranda or reports discussing the status, likelihood, or timeline of securing this funding."

In reviewing your request, the following sections of the Right-to-Know Law (RTKL), 65 P.S. § 67.101 et. seq., are relevant:

Section 303(a) of the RTKL provides that "[a] legislative agency shall provide legislative records in accordance with this act." 65 P.S. § 67.303(a). Section 102 defines "legislative agency" to include the Senate. 65 P.S. § 67.102.

Section 305(b) provides that "A legislative record in the possession of a legislative agency. . . shall be presumed to be available in accordance with this act. The presumption shall not apply if: (1) the record is exempt under section 708; (2) the record is protected by a privilege; or (3) the record is exempt from disclosure under any other Federal or State law, regulation or judicial order or decree." 65 P.S. § 67.305(b). Accordingly, if the record requested is not considered a "Legislative record" under the RTKL, it is not presumed to be available to the public.

Section 102 of the Act provides the following definition of "legislative record". "Any of the following relating to a legislative agency or a standing committee, subcommittee or conference committee of a legislative agency:

1. A financial record.

2. *A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the rules of a chamber.*
3. *Fiscal notes.*
4. *A co-sponsorship memorandum.*
5. *The journal of a chamber.*
6. *The minutes of, record of attendance of members at a public hearing or a public committee meeting and all recorded votes taken in a public committee meeting.*
7. *The transcript of a public hearing when available.*
8. *Executive nomination calendars.*
9. *The rules of a chamber.*
10. *A record of all recorded votes taken in a legislative session.*
11. *Any administrative staff manuals or written policies.*
12. *An audit report prepared pursuant to the act of June 30, 1970 (P.L.442, No.151) entitled, "An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission."*
13. *Final or annual reports required by law to be submitted to the General Assembly.*
14. *Legislative Budget and Finance Committee reports.*
15. *Daily legislative session calendars and marked calendars.*
16. *A record communicating to an agency the official appointment of a legislative appointee.*
17. *A record communicating to the appointing authority the resignation of a legislative appointee.*
18. *Proposed regulations, final-form regulations and final-omitted regulations submitted to a legislative agency.*
19. *The results of public opinion surveys, polls, focus groups, marketing research or similar efforts designed to measure public opinion funded by a legislative agency." 65 P.S. § 67.102.*

Section 703 provides for the process of submitting and what shall be included in a

RTK request. "A written request for access to records may be submitted in person, by mail, by e-mail, by facsimile or, to the extent provided by agency rules, by any other electronic means. A written request must be addressed to the open-records officer designated pursuant to section 502. Employees of an agency shall be directed to forward requests for records to the open-records officer. A written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested and shall include the name and address to which the agency should address its response. A written request need not include any explanation of the requester's reason for requesting or intended use of the records unless otherwise required by law." 65 P.S. §67.703.

Section 901 provides the general rule for responding to RTK requests.

Section 901. General rule.

Upon receipt of a written request for access to a record, an agency shall make a good faith effort to determine if the record requested is a public record, legislative record or financial record and whether the agency has possession, custody or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request. All applicable fees shall be paid in order to receive access to the record requested. The time for response shall not exceed five business days from the date the written request is received by the open-records officer for an agency. If the agency fails to send the response within five business days of receipt of the written request for access, the written request for access shall be deemed denied. 65 P.S. § 67.901.

The request is hereby denied as the records requested are not included within the definition of legislative record. Records that do not fall within the definition of legislative record are not covered by the presumption of accessibility under the RTKL. Please see the following case [Couloumbis v Senate of Pennsylvania](#), No. 1071 C.D. 2023 (Pa. Commw. Ct. 2025)(Communications) and final determinations, [Senate RTK Appeals: 01-2009 & 02-2009, Scolforo](#) (Correspondence); [02-2012, Carollo](#) (Communications); [01-2013, Miller](#) (E-Mails); [02-2016, Pellington](#) (E-Mails); and [02-2023, Caruso](#) (E-Mails) where the denial of access to records that do not fall within the definition of legislative record have been appealed and the denials have

been upheld. As the request has been denied, please find below information regarding the appeal process.

On the [Senate website](#), you can find many of the legislative records available under the RTKL. You may wish to check Senator [- Senator's Yaw website](#) for other information.

Right to Appeal

In accordance with Section 903 of the Right-to-Know Law, you are hereby notified of your rights to appeal a denial under Chapter 11 of the Act. 65 P.S. §67.903.

The Senate has appointed the Secretary of the Senate, to serve as Appeals Officer. 65 P.S. §67.503. The Appeals Officer can be contacted as follows:

Michael Gerdes
Senate Appeals Officer
Room 462, State Capitol Building
Harrisburg, PA 17120-3053
Telephone: (717) 787-5920
RTKAppeals@os.pasen.gov

Please be sure to include your complete contact information with any appeal, a copy of the original request and this denial.

Chapter 11 of the law governs the appeals process and provides for the following:

1. An appeal must be filed with the Senate's Appeals Officer within 15 business days of the mailing date of this response.
2. An appeal shall state the grounds upon which the requester asserts that the record is a legislative record, which includes a financial record and shall address any grounds stated by the agency for delaying or denying the request. 65 P.S. §67.1101(a)(1). An appeal must also be filed in accordance with the provisions of [Chapter 7 of Title 104](#) (Senate of Pennsylvania) of the Pennsylvania Code.
3. The Appeals Officer is required to make a final determination, in writing, within 30 days of receiving an appeal. Prior to making the final determination, the

Appeals Officer may hold a hearing.

If you have any questions, please call Michael Sarfert of my staff or please email me at RTKofficer@occ.pasen.gov.

Sincerely,

Jessica P. Rodic, Open Records Officer

Senate of Pennsylvania

Room 104 North Office Building | Harrisburg, PA 17120-3052

Office: 717.787.7163 Fax: 717.783.4296

RTKofficer@occ.pasen.gov | www.pasen.gov

Link to Senate RTKL website - <http://www.pasen.gov/RTKL/index.cfm>

Privileged Communication: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material and may be subject to attorney client privilege, and exempt from disclosure under applicable law. Any review, retransmission, dissemination, copying or other use of, or taking of any action in reliance upon, this communication by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender by reply email and delete the material from any computer. It is the responsibility of the recipient of this message to protect against harmful content.



Requester's Request for Reconsideration



Pennsylvania
Office of Open Records

Standard Right-to-Know Law Request Form

Please read carefully. Complete this form and retain a copy of **both** pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. More information about the RTKL is available at <https://www.openrecords.pa.gov>. In most cases, a completed RTKL request form is a public record.

SUBMITTED TO AGENCY NAME: Office of Senator Gene Yaw (Attn: AORO)

Date Request Submitted: 8/04/25 Submitted via: ☐ Email ☐ U.S. Mail ☐ Fax ☐ In Person

PERSON MAKING REQUEST:

Full Name: Terri Lauchle

Company (if applicable): Concerned Residents of Muncy Township and beyond

Please send response via: ☐ Email ☐ U.S. Mail

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: lauchlefarms@windstream.net

Mailing Address: 2361 Quaker Church Road

City: Pennsdale State: PA Zip: 17756 Telephone: 570-546-6317

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

☐ **By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States. Understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.**

RECORDS REQUESTED: *Provide as much detail as possible, including subject matter, time frame, and type of record sought. RTKL requests must seek records, not ask questions. Use additional pages if necessary.*

Dear Senator Gene Yaw's Open Record Officer,

Thank you for your response to my Right -to -Know Law (RTKL) request dated 7/28/25.

I respectfully disagree with the denial on the basis that the requested records fall entirely outside the definition of "legislative record." My request specifically seeks:

- * Records concerning efforts to secure grants, appropriations, or state funding for a private development project;

- * Communications referencing the Williamsport/Lycoming Chamber of Commerce's potential financial obligation for this loan;

- * Internal memoranda or reports discussing the status, likelihood, or timeline of securing this

*Form continues on page 2. Retain a copy of **both** pages.*

RECORDS REQUESTED (continued):

funding.

These are not purely internal legislative communications (such as drafts of bills, notes, or partisan strategy). Rather, they involve communications for a local development project and engagement with outside entities (including the Chamber of Commerce and potential funding agencies). Such records are administrative or financial in nature, and under the RTKL, they should be accessible to the public (see, e.g., 76 P.S. § 67.102 definition of "legislative record" vs. other records held by a legislative agency).

Therefore, I respectfully request that your office reconsider the denial and conduct a good faith search for any responsive records that are not strictly legislative records—specifically, those reflecting external communications of financial matters.

If you maintain the denial, please treat this message as my request for a final written response so I may timely appeal to the office of Open Records, pursuant to 65 P.S. § 67.1101.

Thank you for your time and reconsideration. I look forward to your reply.

Sincerely,

Juri Laucke

DO YOU WANT COPIES? ☐ Yes, printed ☐ Yes, electronic ☐ No, in-person inspection

Records shall be provided in the medium requested if they exist in that medium; otherwise, they shall be provided in the medium in which they exist. See Section 701. Your request may require payment or prepayment of fees. View the [Official RTKL Fee Schedule](#) for more details.

I understand that my request may incur fees. Notify me before further processing if fees will be more than ☐ \$100 (or) ☐ \$_____.

Do you want [certified copies](#)? ☐ Yes (may be subject to additional costs) ☐ No

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.

Retain a copy of both pages of this Form.

Senate's Response to Request for Reconsideration

RTK Officer (Pennsylvania State Senate)

RTK Request RTK-2025-32 Terri Lauchle - Request for Re-Consideration of Denial

Aug 11, 2025 at 3:14:55 PM

lauchlefarms@windstream.net

RTKofficer@occ.pasen.gov

Dear Ms. Lauchle,

Your request for re-consideration of the final denial of the RTK Request 2025-32, sent on August 1, 2025, was received on Tuesday August 5, 2025, and in which you reiterated the request is for communications and added rationales why you believe some records should be available:

"Dear Senator Gene Yaw's Open Record Officer,

Thank you for your response to my Right-To-Know Law (TRKL) request dated 7/28/25. I respectfully disagree with the denial on the basis that the requested records fall entirely outside the definition of "legislative record." My request specifically seeks: -

**Records concerning efforts to secure grants, appropriations, or state funding for a private development project; -*

** Communications referencing the Williamsport/Lycoming Chamber of Commerce's potential financial obligation for this loan;*

** internal memoranda or reports discussing the statutes, likelihood, or timeline of securing this funding.*

These are not purely internal legislative communications (such as drafts of bills, notes, or partisan strategy). Rather, they involve communications for a local development project and engagement with outside entities (including the Chamber of Commerce and potential funding agencies). Such records are administrative or financial in nature, and under the RTKL, they should be accessible to the public (see, e.g., 76 P.S. S 67. 102 definition of "legislative record" vs. other records held by a legislative agency).

Therefore, I respectfully request that your office reconsider the denial and conduct a good faith search for any responsive records that are not strictly legislative records - specifically, those reflecting external communications of financial matters. If you maintain the denial, please treat this message as my request for a final written response so I may timely appeal to the office of Open Records, pursuant to 65 P.S. S 67.1101. Thank you for your time and reconsideration. I look forward to your reply."

In reviewing your request, the following sections of the Right-to-Know Law (RTKL), 65 P.S. § 67.101 et. seq., are relevant:

Section 303(a) of the RTKL provides that "[a] legislative agency shall provide legislative records in accordance with this act." 65 P.S. § 67.303(a). Section 102 defines "legislative agency" to include the Senate. 65 P.S. § 67.102.

Section 305(b) provides that "A legislative record in the possession of a legislative agency. . . shall be presumed to be available in accordance with this act. The presumption shall not apply if: (1) the record is exempt under section 708; (2) the record is protected by a privilege; or (3) the record is exempt from disclosure under any other Federal or State law, regulation or judicial order or decree." 65 P.S. § 67.305(b). Accordingly, if the record requested is not considered a "Legislative record" under the RTKL, it is not presumed to be available to the public.

Section 102 of the Act provides the following definition of "legislative record". "Any of the following relating to a legislative agency or a standing committee, subcommittee or conference committee of a legislative agency:

1. A financial record.
2. A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to

adopt or amend the rules of a chamber.

3. *Fiscal notes.*
4. *A co-sponsorship memorandum.*
5. *The journal of a chamber.*
6. *The minutes of, record of attendance of members at a public hearing or a public committee meeting and all recorded votes taken in a public committee meeting.*
7. *The transcript of a public hearing when available.*
8. *Executive nomination calendars.*
9. *The rules of a chamber.*
10. *A record of all recorded votes taken in a legislative session.*
11. *Any administrative staff manuals or written policies.*
12. *An audit report prepared pursuant to the act of June 30, 1970 (P.L.442, No.151) entitled, "An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission."*
13. *Final or annual reports required by law to be submitted to the General Assembly.*
14. *Legislative Budget and Finance Committee reports.*
15. *Daily legislative session calendars and marked calendars.*
16. *A record communicating to an agency the official appointment of a legislative appointee.*
17. *A record communicating to the appointing authority the resignation of a legislative appointee.*
18. *Proposed regulations, final-form regulations and final-omitted*

regulations submitted to a legislative agency.

- 19. The results of public opinion surveys, polls, focus groups, marketing research or similar efforts designed to measure public opinion funded by a legislative agency." 65 P.S. § 67.102.**

Section 102 further provides for the definition of "financial record" as "any of the following: "(1) Any account, voucher or contract dealing with: (i) the receipt or disbursement of funds by an agency; or (ii) an agency's acquisition, use or disposal of services, supplies, materials, equipment or property. (2) The salary or other payments or expenses paid to an officer or employee of an agency, including the name and title of the officer or employee. (3) A financial audit report. The term does not include work papers underlying an audit." 65 P.S. § 67.102.

Under the RTKL financial records of the agency are accessible as outlined above.

Section 703 provides for the process of submitting, who a request is to be addressed to, and what shall be included in a RTK request. "A written request for access to records may be submitted in person, by mail, by e-mail, by facsimile or, to the extent provided by agency rules, by any other electronic means. A written request must be addressed to the open-records officer designated pursuant to section 502. Employees of an agency shall be directed to forward requests for records to the open-records officer. A written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested and shall include the name and address to which the agency should address its response. A written request need not include any explanation of the requester's reason for requesting or intended use of the records unless otherwise required by law." 65 P.S. §67.703.

Section 901 provides the general rule for responding to RTK requests.

Section 901. General rule.

Upon receipt of a written request for access to a record, an agency shall make a good faith effort to determine if the record requested is a public record, legislative record or financial record and whether the agency has possession, custody or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request. All applicable fees shall be paid in order to receive access to the record requested. The time for response shall not exceed five business days from the date the written request is received by the open-records officer for an agency. If the agency fails to send the response within five business days of receipt of the written request for access, the written request for access shall be deemed denied. 65 P.S. § 67.901.

Your request for re-consideration of the final response that was sent on August 1, 2025, is hereby denied for the following reasons.

There are no legislative records of the Senate of Pennsylvania responsive to the request and the records specifically requested ("...emails, letters, meeting minutes, notes, or any communications..."; "...grant applications, funding proposals, economic incentive discussions..."; "...internal memos, meeting notes, ..."), if any exist, are not included within the definition of legislative record. Records that do not fall within the definition of legislative record are not covered by the presumption of accessibility under the RTKL.

Please see and review the following case [Coulioumpis v Senate of Pennsylvania](#), No. 1071 C.D. 2023 (Pa. Commw. Ct. 2025)(Communications) and final determinations, [Senate RTK Appeals, 01-2009 & 02-2009](#), [Scalfaro](#) (Correspondence); [02-2017, Carollo](#) (Communications); [01-2013](#).

Miller (E-Mails); 02-2016, Pellington (E-Mails); and 02-2023, Caruso (E-Mails) where the denial of access to records that do not fall within the definition of legislative record have been appealed and the denials have been upheld by the Commonwealth Court of Pennsylvania and the Senate Appeals Officer. As the request has been denied, please find below information regarding the appeal process.

Whether the communications were "*purely internal communications*" or not, the RTKL and the definition of legislative record is explicit and does not include the communications as you have requested.

As for the characterization of the records being administrative and/or financial in nature.

"*Administrative staff manuals or written policies*", are the records included in the definition of "*legislative record*", not simply any record that could be considered administrative in nature, as you put forth in your request for reconsideration. There are no "*Administrative staff manuals or written policies*" for the specifics of this request.

As for financial records of the Senate that could be responsive to the request - as I stated above they are no legislative records. No legislation has been proposed or introduced to provide specific funding for the referenced project. No Senate funds have been disbursed for the project nor would any funds that have been appropriated directly to and for the use of the Senate be available for the project. If another agency has provided funding, you would need to submit a RTK request with that agency.

Lastly, under Section 901, once the request has been reviewed and it is determined that the records requested are not a legislative record, there is no obligation to search for the records. (See Coulloumbis v Senate of

Pennsylvania, pages 8-10...)

As the request was denied and your request for re-consideration has been denied, I am again providing you the information on the appeal process.

Right to Appeal

In accordance with Section 903 of the Right-to-Know Law, you are hereby notified of your rights to appeal a denial under Chapter 11 of the Act. 65 P.S. §67.903.

The Senate has appointed the Secretary of the Senate, to serve as Appeals Officer. 65 P.S. §67.503. The Appeals Officer can be contacted as follows:

**Michael Gerdes
Senate Appeals Officer
Room 462, State Capitol Building
Harrisburg, PA 17120-3053
Telephone: (717) 787-5920
RTKAppeals@os.pasen.gov**

Please be sure to include your complete contact information with any appeal, a copy of the original request and this denial.

Chapter 11 of the law governs the appeals process and provides for the following:

- 1. An appeal must be filed with the Senate's Appeals Officer within 15 business days of the mailing date of the response.**
- 2. An appeal shall state the grounds upon which the requester asserts that the record is a legislative record, which includes a financial record and shall address any grounds stated by the agency for delaying or denying**

the request. 65 P.S. §67.1101(a)(1). An appeal must also be filed in accordance with the provisions of [Chapter 7 of Title 104](#) (Senate of Pennsylvania) of the Pennsylvania Code.

3. The Appeals Officer is required to make a final determination, in writing, within 30 days of receiving an appeal. Prior to making the final determination, the Appeals Officer may hold a hearing.

(Note - On appeal, it is not permitted to change or modify the original request. (See [Michak v. Pa. Department of Public Welfare](#), 23 A.3d 1126 (Pa. Commw. Ct. 2011))

In closing, I would point out that pursuant to Section 703, a RTK request is to be addressed and submitted to the Open Records Officer of the Senate. You may go to the Senate RTKL website where you can access our online portal or the form for submitting a request.

Sincerely,

Jessica P. Rodic, Open Records Officer
Senate of Pennsylvania
Room 104 North Office Building | Harrisburg, PA 17120-3052
Office: 717.787.7163 Fax: 717.783.4296

RTKofficer@occc.pasen.gov | www.pasen.gov

Link to Senate RTKL website - <http://www.pasen.gov/RTKL/index.cfm>

Privileged Communication: The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material and may be subject to attorney client privilege and exempt from disclosure under applicable law. Any review, retransmission, dissemination, copying or other use of, or taking of any action in reliance upon, this communication by persons or entities other than the intended

recipient is prohibited. If you receive this in error, please contact the sender by reply email and delete the material from any computer. It is the responsibility of the recipient of this message to protect against harmful content.



Requester's Appeal

Terri Lauchle
2361 Quaker Church Road
Pennsdale, PA 17756
lauchlefarms@windstroam.net
570-546-6317

August 18, 2025

Michael Gerdes
Senate Appeals Officer
Room 462, State Capitol Building
Harrisburg, PA 17120-3053
RTKAppeals@os.pasen.gov

Re: Appeal under the Right-to-Know Law – Denial by Senator Gene Yaw's Office

Dear Mr. Gerdes,

Pursuant to Section 1101 of the Pennsylvania Right-to-Know Law ("RTKL"), 65 P.S. § 67.1101, I hereby appeal the final denial issued by Senator Gene Yaw's Open Records Officer dated August 1, 2025, and reaffirmed in their denial of reconsideration dated [insert date of second denial].

Background of the Request

On [original request date], I submitted a RTKL request to Senator Yaw's office seeking:

- Any and all records, including but not limited to emails, letters, meeting notes, minutes, communications, grant applications, funding proposals, economic incentive discussions, internal memoranda, or reports concerning efforts to secure \$8 million (or a similar figure) in grants, appropriations, or other state funding for the Bass Pro Shop project planned at the former Lycoming Mall area ("The District") in Muncy Township.
- Any communications or documents referencing the Williamsport/Lycoming Chamber of Commerce's potential financial obligation for this loan or financing.
- Any internal memoranda or reports discussing the status, likelihood, or timeline of securing this funding.

Grounds for Appeal

1. Overly Narrow Interpretation of "Legislative Record"

The Senate asserts that all of the requested records are excluded from the definition of "legislative record" under 65 P.S. § 67.102. However, this interpretation is overly broad. The RTKL definition of "legislative record" includes, among other items:

- "Financial records" (§ 67.102, item 2)
- "Any administrative staff manuals or written policies" (§ 67.102, item 9)
- Records documenting official actions or public business transactions.

Communications with third parties (such as the Chamber of Commerce or state agencies) about funding proposals for a specific project implicating public funds are not purely internal legislative work product and can fall within these categories.

2. Failure to Conduct a Good Faith Search

Under Section 901, an agency must conduct a good faith search for records responsive to a request. The denial states that "once it is determined that the records requested are not legislative records, there is no obligation to search." This improperly conflates the definition of a record with the duty to search, effectively allowing the agency to decide the outcome before reviewing potentially responsive materials.

3. Specificity

My request is narrowly tailored:

- One named project (Bass Pro Shop / The District)
- A specific dollar amount (\$8 million)
- Clear subject matter (state funding efforts)
- Defined parties (Senator Yaw's office, Chamber of Commerce)

This meets the "sufficient specificity" requirement under Section 703 and is distinguishable from the overbroad "fishing expedition" in *Askew v. Office of the Governor*, 65 A.3d 989 (Pa. Commw. Ct. 2013).

4. Public Interest and Accountability

The requested records involve the potential use of significant public funds for a high-profile local economic development project. The RTKL's presumption of openness should be applied to maximize transparency regarding such funding efforts.

Relief Requested

I respectfully request that the Senate Appeals Officer:

- Reverse the denial by Senator Yaw's office;
- Order the production of any responsive records that qualify as "legislative records" under the RTKL;
- Conduct an in camera review of withheld records to determine if any portion is subject to disclosure;
- Require the agency to certify whether responsive records exist and, if so, whether they have been reviewed.

Sincerely,



Terri Lauchle

2361 Quaker Church Road

Pennsdale, PA 17756

lauchlefarms@windstream.net

570-545-6317

Submission Schedule



Senate of Pennsylvania

August 29, 2025

Jessica P. Rodic
Open Records Officer
Senate of Pennsylvania
104 North Office Building
Harrisburg, PA 17120
VIA EMAIL & HAND DELIVERY

Terri Lauchle
2361 Quaker Church Road
Pennsdale, PA 17756
**VIA EMAIL & FIRST CLASS
MAIL**

RE: Appeal of Lauchle
Senate RTK Appeal 02-2025

Dear Ms. Rodic and Ms. Lauchle:

This letter establishes the submission schedule for documents in the above-captioned RTK appeal. As you know, Ms. Lauchle has appealed a denial of access to certain records. The appeal was filed pursuant to the Right-to-Know Law, 65 P.S. § 67.101 *et seq.*, a copy of which was provided to Ms. Rodic under separate letter from me dated today, August 29, 2025.

Ms. Rodic, as the Senate's Open Records Officer, may file a memorandum of law and any other evidentiary documentation in support of her denial of access with my Office by the close of business Wednesday, September 10, 2025. A copy of any and all submissions shall also be served on Ms. Lauchle. Ms. Lauchle may submit a memorandum of law or any other evidentiary documentation in support of her appeal with my Office by close of business Monday, September 22, 2025. A copy of any and all submissions by Ms. Lauchle shall also be served on Ms. Rodic. Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Gerdes".

MICHAEL GERDES
Senate Appeals Officer

Requester's Memorandum of Law

RIGHT-TO-KNOW LAW APPEAL

Submitted by:

Terri Lauchle

2361 Quaker Church Road

Pennsdale, PA 17756

lauchlefarms@windstream.net

570-546-6317

RE: Appeal of Denial by Senator Gene Yaw's Office

Senate RTK Appeal No. 02-2025

Date of Submission:

September 3, 2025

MEMORANDUM OF LAW

Re: RTKL Appeal 02-2025 – Denial by Senator Gene Yaw's Office

My name is Terri Lauchle, a resident of Muncy Township, Lycoming County. I submit this memorandum in support of my Right-to-Know Law (RTKL) appeal regarding the denial issued by Senator Gene Yaw's Office, concerning records related to public funding efforts for the proposed Bass Pro Shop at the former Lycoming Mall site ('The District'). As a general election candidate in Muncy Township, I have a vested interest in public transparency involving large-scale development projects affecting our community.

I was made aware of these funding efforts during a Lycoming County Republican Committee meeting, where State Representative Joe Hamm publicly stated that funding for the Bass Pro project was being pursued with involvement by Senator Yaw, the Chamber of Commerce, and other parties. These public statements reasonably suggest the existence of responsive records subject to public disclosure under the RTKL.

1. Overly Narrow Interpretation of 'Legislative Record'

The Senate Open Records Officer asserts that none of the requested materials fall under the RTKL definition of "legislative record." However, Section 67.102 explicitly includes administrative staff manuals, financial records, and communications documenting official actions. Communications with third parties—such as the Chamber or state agencies—regarding public funding are administrative in nature and should not be excluded by a narrow reading of the statute.

2. Failure to Conduct a Good Faith Search

Section 901 of the RTKL requires a good faith effort to determine whether requested records exist. Here, the denial relies on a categorical assumption that no legislative records exist—without conducting a search. This violates both the letter and spirit of the law, which obligates agencies to first determine if responsive records exist, and then assess their nature.

3. Specificity of the Request

My RTKL request is clearly specific: it names the project (Bass Pro Shop / The District), the targeted funding amount (\$8 million), the geographic location (Lycoming Mall, Muncy Township), and the involved entities (Senator Yaw's Office, Chamber of Commerce). Under Section 703 and relevant Commonwealth Court precedent, this level of detail satisfies the RTKL's specificity requirement.

4. Public Interest and Accountability

This development project could significantly affect my township's economy, infrastructure, and tax base. Given the scale of proposed funding, the RTKL's presumption of openness should apply. Public records concerning economic incentives negotiated behind closed doors are precisely the type the RTKL was designed to make available to citizens.

Relief Requested

For the reasons above, I respectfully request that the Senate Appeals Officer reverse the denial and order Senator Yaw's Office to: (1) conduct a good faith search for responsive records; (2) produce any documents qualifying as legislative or financial records; or (3) conduct an in camera review to determine their status under the RTKL. I also request that the Office certify whether responsive records exist and whether they have been withheld.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terri Lauchle".

Terri Lauchle

2361 Quaker Church Road

Pennsdale, PA 17756

lauchlefarms@windstream.net

570-546-6317

Senate's Letter Brief



Senate of Pennsylvania

September 09, 2025

Michael Gerdes, Senate Appeals Officer
Room 462, Main Capitol
Harrisburg, PA 17120-3053

By Email

**Re: *Lauchle v. Senate of Pennsylvania*, Senate RTK Appeal 02-2025
(Senate RTK Request 2025-32)**

Dear Senate Appeals Officer Gerdes:

I represent the Senate of Pennsylvania and the Senate's Open Records Officer in the above matter. I write to submit the Senate's merits submission in response to the requester's appeal. For the reasons below, the Senate requests denial of the appeal and an order that the Senate need not take further action on the request.

I. Background

On July 29, 2025, the Senate's Open Records Officer (ORO), received an email from Senator Gene Yaw's staff, pursuant to Section 703 of the Right-to-Know Law (RTKL),¹ (Exhibit 1), forwarding a RTKL request from Terri Lauchle (Requester). The

¹ "A written request for access to records may be submitted in person, by mail, by e-mail, by facsimile or, to the extent provided by agency rules, by any other electronic means. A written request must be addressed to the open-records officer designated pursuant to section 502. Employees of an agency shall be directed to forward requests for records to the open-records officer. A written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested and shall include the name and address to which the agency should address its response. A written request need not include any explanation of the requester's reason for

requester hand delivered the request to Senator Yaw's Williamsport district office on July 28, 2025. (Exhibit 2) The Senate Open Records Office accepted the request with the received date of August 28, 2025. The request was for:

"All records, e-mails, letters, meeting notes or communications concerning efforts to secure grants, appropriations, or other state funding in th[e] amount of \$8 million (or any similar figure) for the Bass Pro Shop project planned at the former Lycoming Mall area ("The District") in the Muncy Township.

Any communications or documents referencing the Williamsport/Lycoming Chamber of Commerce's potential financial obligations for this loan or financing.

Any internal memoranda or reports discussing the status, likelihood, or timeline of securing this funding."

The Senate ORO timely issued the final response on August 1, 2025, denying the request because it did not seek legislative records, citing appropriate case law and final determinations, providing links to the Senate's and Senator Yaw's websites, and providing information on the appeals process. (Exhibit 3) On August 5, 2025, Senator Yaw's office forwarded to the ORO by email (Exhibit 4) the Requester's request for re-consideration of the denial, which was delivered to Senator Yaw's Williamsport district office on August 4, 2025. (Exhibit 5) The request for re-consideration stated:

"Dear Senator Gene Yaw's Open Record Officer,

Thank you for your response to my Right-To-Know Law (RTKL) request dated 7/28/25. I respectfully disagree with the denial on the basis that the

requesting or intended use of the records unless otherwise required by law." 65 P.S. §67.703.

requested records fall entirely outside the definition of "legislative record." My request specifically seeks: -

**Records concerning efforts to secure grants, appropriations, or state funding for a private development project; -*

** Communications referencing the Williamsport/Lycoming Chamber of Commerce's potential financial obligation for this loan;*

** Internal memoranda or reports discussing the statutes, likelihood, or timeline of securing this funding.*

These are not purely internal legislative communications (such as drafts of bills, notes, or partisan strategy). Rather, they involve communications for a local development project and engagement with outside entities (including the Chamber of Commerce and potential funding agencies). Such records are administrative or financial in nature, and under the RTKL, they should be accessible to the public (see, e.g., 76 P.S. § 67. 102 definition of "legislative record" vs. other records held by a legislative agency).

Therefore, I respectfully request that your office reconsider the denial and conduct a good faith search for any responsive records that are not strictly legislative records - specifically, those reflecting external communications of financial matters. If you maintain the denial, please treat this message as my request for a final written response so I may timely appeal to the office of Open Records, pursuant to 65 P.S. S 67.1101. Thank you for your time and reconsideration. I look forward to your reply."

On August 11, 2025, the Senate ORO denied the request for re-consideration, including for the reasons stated in the final response dated August 1, 2025, and also addressing the new material in requester's re-consideration request. (Exhibit 6)

After requester appealed, the Senate Appeals Officer (SAO) sent an acknowledgment email with letter attachment (Exhibits 7 & 8) on August 25, 2025, stating that the appeal (Exhibit 9) had been received and that a submission schedule would be forthcoming. The SAO notified the requester on August 26, 2025, that it appeared pages were missing from the appeal and provided the requester with the

opportunity to cure the appeal. (Exhibit 10) The requester provided the missing pages to the SAO on August 29, 2025 (and they have been inserted into Exhibit 9 here as pages 9 and 10).

The Senate was directed to make a written submission in support of its position by September 10, 2025. It now timely submits this letter brief and requests denial of the appeal.

II. Argument

A. The appeal should be denied because the requested materials, as specifically referenced in the request, are not “legislative records.”

This matter arises under the RTKL, 65 P.S. §67.101 to §67.3104. The starting point is its plain language, as the “clearest indication of legislative intent is generally the plain language of a statute.” *Off. of Governor v. Donahue*, 59 A.3d 1165, 1168 (Pa. Commw. Ct. 2013), *aff’d*, 98 A.3d 1223, 1237-38 (Pa. 2014). “When the words of a statute are clear and free from all ambiguity, the letter of it is not to be disregarded under the pretext of pursuing its spirit.” *Levy v. Senate of Pa.*, 65 A.3d 361, 380 (Pa. 2013) (quoting 1 Pa.C.S. §1921(b)). Thus, where statutory language is unambiguous, there is “no need to resort to other indicia of legislative intent.” *Donahue*, 59 A.3d at 1168-69.

The RTKL language here is clear and unambiguous. The Senate of Pennsylvania is a “legislative agency.” 65 P.S. §67.102. A “legislative agency” is presumptively to provide requested “legislative records.” *Id.*, §67.303(a).

The RTKL defines “legislative records” as 19 specific kinds of items:

1. *A financial record.*

2. *A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the rules of a chamber.*
3. *Fiscal notes.*
4. *A co-sponsorship memorandum.*
5. *The journal of a chamber.*
6. *The minutes of, record of attendance of members at a public hearing or a public committee meeting and all recorded votes taken in a public committee meeting.*
7. *The transcript of a public hearing when available.*
8. *Executive nomination calendars.*
9. *The rules of a chamber.*
10. *A record of all recorded votes taken in a legislative session.*
11. *Any administrative staff manuals or written policies.*
12. *An audit report prepared pursuant to the act of June 30, 1970 (P.L.442, No.151) entitled, "An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission."*
13. *Final or annual reports required by law to be submitted to the General Assembly.*
14. *Legislative Budget and Finance Committee reports.*
15. *Daily legislative session calendars and marked calendars.*
16. *A record communicating to an agency the official appointment of a legislative appointee.*
17. *A record communicating to the appointing authority the resignation of a legislative appointee.*
18. *Proposed regulations, final-form regulations and final-omitted regulations submitted to a legislative agency.*
19. *The results of public opinion surveys, polls, focus groups, marketing research or similar efforts designed to measure public opinion funded by a legislative agency. Id., §67.102.*

In short, the plain language of the RTKL presumptively requires the Senate to only produce the above 19 types of items, but it is not required to produce anything else. Here, the request is for "[a]ll records, e-mails, letters, meeting notes or communications," "communications or documents," and "internal memoranda or reports" regarding a

project. None of these items are a “legislative record,” and so nothing must be provided under the RTKL.

The Commonwealth Court recently ruled on the issue here and upheld the SAO’s interpretation of “legislative record” as limited to the specifically-listed 19 types of “legislative records.” *See Couloumbis v. Senate of Pennsylvania*, 334 A.3d 48, 53-54 (Pa. Commw. Ct. 2025) (“If the legislature intended to include ‘communications’ in the definition of legislative record, the legislature could have included this language in the definition.”). That decision tracks earlier SAO rulings. *See Appeal of Miller*, Jan. 17, 2014 (Senate RTK Appeal 01-2013) (Senate Appeals Officer decision denying appeal seeking email messages); *Appeal of Pellington*, Jan. 20, 2017 (Senate RTK Appeal 02-2016) (same); *Appeal of Scolforo*, Feb. 24, 2009 (Senate RTK Appeal 01-2009 & 02-2009) (denying appeal seeking correspondence with lobbyists); *Appeal of Carollo*, June 18, 2012 (Senate RTK Appeal 02-2012) (denying appeal seeking communications and correspondence); *Appeal of Caruso*, August 25, 2023 (Senate RTK Appeal 02-2023 / LRB Appeal No. 2023-02) (denying appeal seeking email messages and correspondence).²

B. Requester offers no valid reason to sustain her appeal.

Requester offers four arguments in her appeal, but each lacks merit.

First, requester contends the Senate ORO’s interpretation of “legislature record” is “overly narrow.” (Exhibit 9, Page 2, 1.) But the ORO’s reasoning carefully

² These decisions are publicly available here: www.secretary.pasen.gov/RTKL.cfm

tracks the Commonwealth Court's decision in *Couloumbis*, as explained above, and so that interpretation cannot be "overly narrow."

Requester contends that what she seeks could fall within two "legislative record" categories: "financial records" and "administrative staff manuals or written policies."³ 65 P.S. §67.102 (categories 1 & 11). But requester did not specify these categories in her request and may not change her request on appeal.⁴ Even if she could, her attempt to invoke these two categories fails, the requester admits she is still looking for "[c]ommunications with third parties", (Exhibit 9, Page 1, 1.), which, again, are not subject to disclosure. The requester in *Couloumbis* made the same argument, and it failed. *See Couloumbis*, 334 A.3d at 54. Requester in the request for re-consideration even admits to seeking materials "that are not strictly legislative records-specifically, those reflecting external communications." (Exhibit 5, Page 2) That is an admission, as such the appeal should be denied.

The Senate also did not have to expand the request to include "legislative records" that were not specified in the request. The Senate was obliged only to apply the common meaning of the request's words and phrases. *See Off. of the Dist. Attorney v. Bagwell*, 155 A.3d 1119, 1142-43 (Pa. Commw. Ct. 2017) ("an agency should rely on the common meaning of words and phrases" and consider "the request in the context of the request, rather than envisioning everything the request might conceivably

³ Requester also mentions "[r]ecords documenting official actions or public business transactions," but these concepts are not mentioned in the "legislative record" definition, and so they need not be discussed further.

⁴ *See Smith Butz v. Pa. Dep't of Env'tl. Prot.*, 142 A.3d 941, 945 (Pa. Commw. Ct. 2016) ("Once an RTKL request is submitted, a requester is not permitted to expand or modify the request on appeal.").

encompass"). Here, the plain language of the request simply did not ask for "financial records"⁵ or "administrative staff manuals or written policies."

All of this, and more, was explained to the requester in the Senate ORO's response to the request for re-consideration:

"Administrative staff manuals or written policies" are the records included in the definition of "legislative record", not simply any record that could be considered administrative in nature, as you put forth in your request for re-consideration. There are no "Administrative staff manuals or written policies" for the specifics of this request.

As for financial records of the Senate that could be responsive to the request - as I stated above they are no legislative records. No legislation has been proposed or introduced to provide specific funding for the referenced project. No Senate funds have been disbursed for the project nor would any funds that have been appropriated directly to and for the use of the Senate be available for the project. If another agency has provided funding, you would need to submit a RTK request with that agency.

(Exhibit 6 at Pages 4-5)

Second, requester challenges the sufficiency of the Senate's denial because, according to requester, the Senate had to search for responsive records regardless of whether or not they were "legislative records." (Exhibit 9, Page 2, 2.) Requester mischaracterizes RTKL section 901. In the first instance, it mandates "a good faith effort to determine if the record requested is a ... legislative record." 65 P.S. §67.901. Here, the Senate made a good faith determination that the request sought materials falling outside the definition of a "legislative record." The Senate was not required to search for

⁵ A "financial record" is a document showing an agency's "receipt or disbursement of funds." 65 P.S. §67.102. This can include a voucher, purchase order, or executed contract. *Id.* The request did not ask for any of these things.

and assemble materials that it does not have to disclose under the RTKL to begin with.

The Commonwealth Court held as such in *Couloumbis*:

Here, as required by Section 901 of the RTKL, the Senate determined the requested records for communications” were not “legislative records.” We agree with the Senate this determination ended the inquiry. The plain language of the statute demonstrates the legislature’s intent that first, an agency must determine whether the record requested is a legislative record, public record, or financial record.... It would lead to an absurd result to require an agency, after determining requested records are not subject to disclosure because they are not legislative, public, or financial records, to determine whether the agency has possession, custody, or control of those records. Therefore, the Senate was not required to search for the requested records after it determined they were not subject to disclosure.

334 A.3d at 55-56.

Third, requester argues that her request was sufficiently specific and “narrowly tailored” referencing key words that were provided. (Exhibit 9, Page 3, 3.) However, specificity is not at issue here. The request was denied because it did not ask for “legislative records” and sought records not covered by the RTKL. There is no reason to consider specificity, other than the specificity that was provided was for communications.

Fourth, requester makes an appeal to the public interest in accountability. (Exhibit 9, Page 3, 4.) But cites nothing in support of this argument. Under the RTKL, the requester has the burden to show what is requested is public and presumptively subject to disclosure. *See Off. of Governor v. Bari*, 20 A.3d 634, 640 (Pa. Commw. Ct. 2011) (the burden to prove a requested piece of information is public “lies with the requester”). Here, requester has not shown, and cannot show, that what she asked for in the request is

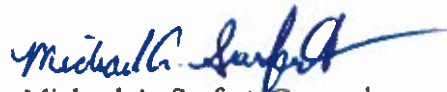
presumptively subject to disclosure. What she requested simply is not included in the list of 19 items that make up "legislative records." The analysis ends there.

III. Conclusion

Requester has the initial burden to prove a requested piece of information is a record that is accessible under the RTKL, in this case a "legislative record," and presumptively subject to disclosure. There are no "legislative records," as defined by the RTKL, responsive to the request. Requester has not shown, and cannot show, that what she asked for is presumptively subject to disclosure. They are not on the list of 19 items that make up "legislative records."

For these reasons, the Senate of Pennsylvania and its Open Records Officer request denial of the requester's appeal and an order that the Senate need not take any further action regarding the request.

Respectfully submitted,



Michael A. Sarfert, Counsel
Office of the Chief Clerk
/ Senate Open Records Officer
Senate of Pennsylvania

Attachments (Exhibits)

cc: Terri Lauchle via email, lauchleframs@windstream.net, and
U.S.P.S. first class mail

Requester's Rebuttal Submission

BEFORE THE SENATE OF PENNSYLVANIA

IN THE MATTER OF:

Terri Lauchle v. Senate of Pennsylvania

Right-to-Know Appeal No. 02-2025

APPELLANT'S REPLY TO SENATE'S SEPTEMBER 9, 2025 BRIEF

(Submitted by Appellant Terri Lauchle, pro se)

I. INTRODUCTION

Appellant respectfully submits this reply to the Senate's September 9, 2025 response, which seeks to uphold the denial of access to public records under the Right-to-Know Law (RTKL), 65 P.S. § 67.101 et seq. The Senate's position hinges on the narrow assertion that the requested materials are not "legislative records" as defined in Section 102. This rebuttal addresses the flawed reasoning in that response, reinforces the public interest at stake, and reiterates the Senate's statutory obligation to conduct a good faith search and to justify its denial with specificity.

II. CLARIFYING THE NATURE OF THE RECORDS REQUESTED

The Appellant's July 28, 2025 request sought records reflecting efforts to obtain public funds for a major commercial redevelopment project—the proposed \$8 million in state funding for a Bass Pro Shops at the former Lycoming Mall site. The records sought include but are not limited to: communications between Senator Yaw's office and the Williamsport/Lycoming Chamber of Commerce; discussions with local officials, state agencies, and legislative liaisons regarding the funding mechanism; and documents or correspondence reflecting support for, or participation in, economic development incentives, including ARPA or RACP funds. These are not requests for purely legislative materials such as bills or voting records. Rather, they are financial and administrative records, tied directly to the pursuit, justification, or coordination of public expenditures. This distinction is critical.

III. "LEGISLATIVE RECORD" DEFINITION DOES NOT BAR DISCLOSURE

The Senate's position misapplies Section 102 of the RTKL. While the law limits disclosure to "legislative records," the definition of "legislative record" includes financial records and communications related to public funds, if such records exist within the Senate's possession or control. If, for example, the Senate provided letters of support, funding requests, or coordinated with executive agencies or local governments in furtherance of this funding effort, such records may constitute "financial records" or administrative materials subject to disclosure, regardless of whether they appear in a bill or vote. The Commonwealth Court has repeatedly held that the RTKL must be construed in favor of transparency, especially where public funding and non-legislative conduct are involved.

IV. DUTY TO CONDUCT A GOOD FAITH SEARCH

The Senate's response fails to describe what search, if any, was conducted to locate responsive records. Under Section 901 of the RTKL and relevant case law (see *Uniontown Newspapers v. Pa. Dep't of Corrections*, 243 A.3d 19 (Pa. 2020)), an agency has an affirmative duty to conduct a good faith search and provide a sufficient affidavit describing the scope and method of the search. Here, no such affidavit is provided, and the response offers only a blanket assertion of non-responsiveness under the legislative record exception. This is insufficient under the RTKL.

V. REQUEST FOR IN CAMERA REVIEW

Should any uncertainty remain about whether responsive records exist or whether they qualify for exemption, Appellant formally requests in camera review of any withheld materials. This is consistent with the authority of the Appeals Officer under §67.1102(a)(2), which permits examination of records to resolve disputes over public access.

VI. PRIOR DECISIONS SUPPORT A BROADER INTERPRETATION

While the Senate cites its internal precedents, Appellant highlights the 2017 House decision in *Collins v. House of Representatives* (Appeal No. 2017-0002 ACA), which confirms that legislative appeals officers must apply a de novo standard of review under Section 1102. Moreover, in that case, the House properly referred portions of the request involving a Senator to the Senate's RTKL officer. If the Senate participated in joint efforts involving local economic development, it is not exempt merely because it is a "legislative agency."

VII. CONCLUSION

The Senate has failed to demonstrate that all responsive records are exempt under Section 102. It has also not described any search or review of records. Accordingly, Appellant respectfully requests that: (1) The Senate be ordered to conduct a good faith search and produce any responsive records within its possession, custody, or control; (2) In the alternative, the Appeals Officer conduct in camera review of withheld materials; (3) The appeal be granted in full, and any non-exempt records be disclosed in the public interest.

Respectfully submitted,
Terri Lauchle
Appellant
Date: September 13, 2025

Supplemental Table of References

Reference	Relevance to Senate RTK Appeal 02-2025
Right-to-Know Law, 65 P.S. §67.102	Defines 'legislative record'; central to the Senate's denial and framing of appeal.
65 P.S. §67.1102	Authorizes appeals officers to review all information submitted; supports submission of supplemental references.
Caruso v. Pennsylvanians for Union Reform, 50 A.3d 260 (Pa. Cmwlth. 2012)	Clarifies the definition of 'legislative record' and establishes limits on public access to certain legislative materials.
Scolforo v. Office of the Governor, 65 A.3d 1095 (Pa. Cmwlth. 2013)	Supports broader interpretation of RTKL in favor of transparency when public funding or policy is implicated.
Coulioumbis and the Caucus v. Pa. Senate, 2021 WL 6135911 (Pa. Cmwlth. Dec. 29, 2021)	Reinforces that the Senate's internal definition of 'legislative record' is not immune from judicial review.
House RTK Appeal No. 2017-0002 ACA	Affirms denial where request sought informal statements not captured within RTKL §67.102. However, distinguishes facts here as involving potential official commitments of public funds.
Lauchle v. Senate of Pennsylvania, Senate RTK Appeal 02-2025	This rebuttal is submitted in support of full access to records of public interest relating to state funding promises involving private developers and local government.