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## Right to Know Response

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Debra Brown <DBrown@bedfordcountypa.org>  
To: Bryan King <bkingwatchdog@gmail.com>

Thu, May 5, 2022 at 4:49 PM

Good evening:

Please see attached response letter and various attachments. I trust this information is pursuant to the subject of your request. Please be advised that this correspondence will serve to close this record with our office as permitted by law.

Thank you for contacting our office.

Debra

*Debra Brown, Chief Clerk/Director of Elections*

*200 South Juliana Street ~ Suite 301*

*Bedford, PA 15522*

*Email: dbrown@bedfordcountypa.org*

*Phone: 814-623-4807*

*Fax: 814-623-0991*

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### 5 attachments

 **Bedford County Jail Solar Field Review Letter.pdf**  
239K

 **Bedford County Jail Solar Field Final Plan 1.pdf**  
7000K

 **Bedford County Jail Solar Field Final Plan 2.pdf**  
7848K

 **RER Presentation Info.pdf**  
6669K

 **Watchdog response.docx**  
75K

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**Bryan King** <bkingwatchdog@gmail.com>  
To: Richard Latker <pristine1917@gmail.com>


Wed, May 11, 2022 at 4:24 AM

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**5 attachments**

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**Richard Latker** <pristine1917@gmail.com>  
To: Debra Brown <DBrown@bedfordcountypa.org>  
Cc: Bryan King <bkingwatchdog@gmail.com>, Christopher Creek <chris.creek@gmail.com>, Regis Nale <regisnale@yahoo.com>

Wed, May 11, 2022 at 5:41 AM

Dear Ms Brown:

The Watchdog has reviewed your response. While we appreciate the difficulties of your position, and we do not hold you personally accountable for the actions of others you do not control, we must make abundantly clear that the County's response is clearly insufficient and could not possibly bear scrutiny.

Given the failure of the subject projects, it is a matter of grave concern if it turns out that salient responsive records have been unlawfully withheld or destroyed.

The County stands in obvious default with respect to item #1 in our request. We have proof of the existence of a number of responsive documents that your response fails to mention, including email communication (notably but not exclusively with BREC, Penelec and township supervisors), invoices and receipts from law firms and other providers, applications, and other materials directly pertaining both to the failed solar projects, and also the solar-related PUC litigation the County initiated (and funded) against BREC, then abandoned.

I suggest you discuss the matter directly both with Commissioner Dallara, whose name appears on some of the material we have already acquired, and the County Solicitor. We would also remind you that the law requires the county to assert any exception under §708 of the law.

I would also clarify that the Commonwealth Financing Authority (CFA) functions under the direct auspices of the DCED. It is legally impossible that the County does not have the CFA applications, supporting materials and correspondence responsive to item #2 in our request.

Should the required records not be produced, we will initiate litigation through the Office of Open Records to compel production of the public records under the law. We will inform the Inspector General's office, which is already investigating the non-performance of the CFA grants in question. Moreover, should it become clear that salient records have been destroyed, we reserve the right to alert law enforcement, including the Public Corruption Unit of the Attorney General's Office.

You write:







" I have been having problems pulling everything together and need at least an additional week to see if there is additional information pertaining to your request on the solar system."

We know there is a great deal of additional information. While we do not doubt your efforts, and we have no problem allowing you an additional week, please note that we face an Office of Open Records Appeal deadline that is inflexible.

Sincerely,  
Richard Latker  
Hollidaysburg Community Watchdog

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#### 6 attachments

-  **Watchdog response.docx**  
75K
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**Richard Latker** <pristine1917@gmail.com>

Mon, May 16, 2022 at 1:02 PM

To: Debra Brown <DBrown@bedfordcountypa.org>

Cc: Bryan King <bkingwatchdog@gmail.com>, Christopher Creek <chris.creek@gmail.com>, Regis Nale <regisnale@yahoo.com>, Rachel Foor <rfoor@altoonamirror.com>


Dear Ms Brown:

As we have received no reply to our letter of May 11 (see below), we must assume that Bedford County does not intend to comply with our RTK.

Should we not hear from you by 4:30pm today, we will begin drafting our appeal to the Office Open Records. We will file the appeal at the open of business May 20, 2022.

Richard Latker  
Hollidaysburg Community Watchdog



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 **Watchdog response.docx**  
75K

**Debra Brown** <DBrown@bedfordcountypa.org>

Mon, May 16, 2022 at 1:13 PM

To: Richard Latker <pristine1917@gmail.com>

Cc: Bryan King <bkingwatchdog@gmail.com>, Christopher Creek <chris.creek@gmail.com>, Regis Nale <regisnale@yahoo.com>, Rachel Foor <rfoor@altoonamirror.com>

Good afternoon:

This information was sent to Bryan King on May 5, 2022.

**Richard Latker** <pristine1917@gmail.com>

Mon, May 16, 2022 at 1:18 PM

To: Debra Brown <DBrown@bedfordcountypa.org>

Cc: Bryan King <bkingwatchdog@gmail.com>, Christopher Creek <chris.creek@gmail.com>, Regis Nale <regisnale@yahoo.com>, Rachel Foor <rfoor@altoonamirror.com>

Dear Ms Brown:

I saw that information, in which you requested an additional week to find more information. You wrote:

"I have been having problems pulling everything together and need at least an additional week to see if there is additional information pertaining to your request on the solar system."

On May 11 you received a detailed response from the Watchdog, noting clearly that the information provided did not constitute a complete and lawful response, and that we can demonstrate that there are many responsive records involving the failed solar projects that the County had thus far failed to release.

If you are now saying that your response was in fact final, we will proceed to the OOR immediately.

Richard Latker

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**Debra Brown** <DBrown@bedfordcountypa.org>

Mon, May 16, 2022 at 1:24 PM

To: "pristine1917@gmail.com" <pristine1917@gmail.com>

Cc: Bryan King <bkingwatchdog@gmail.com>

Good afternoon:

As you can see below, it was sent on May 5, 2022 at 4:49 p.m.

Debra

**From:** Debra Brown  
**Sent:** Thursday, May 5, 2022 4:49 PM  
**To:** 'Bryan King' <bkingwatchdog@gmail.com>  
**Subject:** Right to Know Response  
**Importance:** High

**5 attachments**

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**Bryan King** <bkingwatchdog@gmail.com>  
To: Debra Brown <DBrown@bedfordcountypa.org>

Mon, May 16, 2022 at 1:48 PM

Dear Mrs. Brown

While we did receive your response on May 5, the final paragraph of your letter indicated that you had been having trouble locating and compiling the responsive records due to the records being held by the previous Commissioner. You then requested an additional week to finalize your search. Mr. Latker provided a response on May 11 explaining that while we were sympathetic to your difficulties with locating responsive records, we faced an inflexible deadline with the OOR should we decide to appeal. We have since waited beyond the additional week you requested.

Mr. Laker's email today was our second response to your request for additional time. Is it now your position that the records sent on May 5 constitute the final response with no further records or responses forthcoming? If so we will proceed with an appeal to the OOR.

Bryan D. King  
Public Affairs Officer  
Hollidaysburg Community Watchdog

**Richard Latker** <pristine1917@gmail.com>  
To: Debra Brown <DBrown@bedfordcountypa.org>  
Cc: Bryan King <bkingwatchdog@gmail.com>

Mon, May 16, 2022 at 2:23 PM


Dear Ms Brown:

Again, the response you sent May 5 failed to include the responsive documents we know to be in the County's possession.

You failed to acknowledge our response of May 11, 2022.

We will proceed to the Office of Open Records. You may wish to alert the County Solicitor.

Richard Latker  
Hollidaysburg Community Watchdog

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On Mon, May 16, 2022 at 1:25 PM Debra Brown <DBrown@bedfordcountypa.org> wrote:

**Debra Brown** <DBrown@bedfordcountypa.org>  
To: Richard Latker <pristine1917@gmail.com>  
Cc: Bryan King <bkingwatchdog@gmail.com>

Mon, May 16, 2022 at 2:55 PM

I am finishing up information to send to you.

**From:** Richard Latker <pristine1917@gmail.com>  
**Sent:** Monday, May 16, 2022 2:23 PM  
**To:** Debra Brown <DBrown@bedfordcountypa.org>  
**Cc:** Bryan King <bkingwatchdog@gmail.com>

**Bryan King** <bkingwatchdog@gmail.com>  
: cdannenberwatchdog@gmail.com

Fri, May 20, 2022 at 9:41 AM