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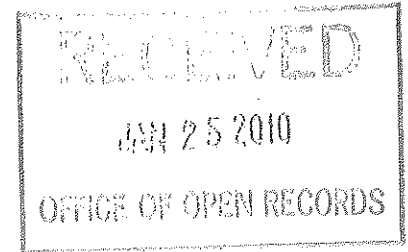
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January 25, 2010

HAND DELIVERED

Nathanael J. Byerly, Appeals Officer
Pennsylvania Office of Open Records
Commonwealth Keystone Building
400 North Street
4th Floor
Harrisburg, PA 17120-0225



Re: Elizabeth Hensil v. Adams County, Docket No. AP 2009-1074

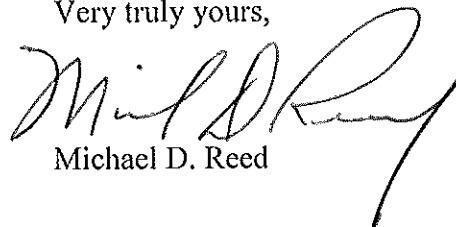
Dear Mr. Byerly:

Enclosed herewith for filing in the above-referenced matter are:

1. A Petition for Reconsideration on behalf of Complainant Elizabeth Hensil; and
2. The Affidavit of Elizabeth Hensil, with attachments thereto.

Thank you for your consideration.

Very truly yours,


Michael D. Reed

MDR/tas

Enclosures

cc: Elizabeth Hensil
John M. Hartzell, Esquire

158493

BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS

IN THE MATTER OF

ELIZABETH HENSIL,
Complainant

v.

ADAMS COUNTY,
Respondent

:
:
:
:
:
:
:

Docket No. AP 2009-1074

PETITION FOR RECONSIDERATION

Now comes, Elizabeth Hensil, through her counsel, Caldwell & Kearns, P.C. and respectfully requests that the Appeals Officer for the Pennsylvania Office of Open Records reconsider his decision in the above-captioned matter, in support of which she avers as follows:

1. Complainant is Elizabeth Hensil, Local Affairs Liaison for the Pennsylvania Association of Realtors, a nonprofit organization having its offices at 500 North 12th Street, Lemoyne, PA 17043-1213.
2. The records sought in this matter were for the purpose of supporting an educational program which the Pennsylvania Association of Realtors offers its members with respect to community revitalization.
3. The Hearing Officer's finding that 65 P.S. §67.1307(b)(4)(i) applies to the present request for documents is erroneous, since the Pennsylvania Association of Realtors is a nonprofit organization and the records sought are for the conduct of educational research. 65 P.S. §67.1307(b)(4)(ii)(B).
4. In her appeal, Hensil provided first-hand information from her own knowledge and experience in submitting many similar requests to other counties that the average charge for such records had been \$50.00 total.

5. In rebuttal to that information, Adams County submitted a last-minute telephone survey conducted by one of its tax assessment employees, which constituted hearsay and had no indicia of reliability.

6. In issuing his decision, the Hearing Officer erred by relying heavily upon the hearsay telephone survey of Adams County rather than the firsthand evidence supplied by Hensil.

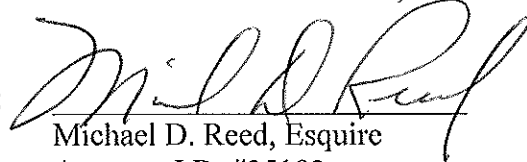
7. Hensil hereby requests that the Hearing Officer consider her Affidavit, with exhibits thereto, filed contemporaneously herewith and incorporated herein by reference as if fully set forth, in making his determination on this Petition for Reconsideration.

WHEREFORE, Petitioner Elizabeth Hensil respectfully requests that the Hearing Officer reconsider his prior decision in this matter and issue a decision upholding her appeal and directing that the price charged by Adams County for the requested records be reduced to a reasonable price within the range of prices charged by other counties in response to Hensil's request for the same type of documents.

Respectfully submitted,

CALDWELL & KEARNS, P.C.

By:



Michael D. Reed, Esquire
Attorney I.D. #35193
3631 North Front Street
Harrisburg, PA 17110-1533
(717) 232-7661
(717) 232-2766 (fax)

Attorneys for Complainant
Elizabeth Hensil

DATED: January 25, 2010

CERTIFICATE OF SERVICE

I certify that I am this day serving a copy of the foregoing document upon the persons and in the manner indicated below, which service satisfies the requirements of the Pennsylvania Rules of Civil Procedure, by depositing a copy of same in the United States Mail, Harrisburg, Pennsylvania, with first-class postage, prepaid, as follows:

John M. Hartzell, Esquire
Solicitor of Adams County
111 Baltimore Street
Room 8
Gettysburg, PA 17325-2367

CALDWELL & KEARNS, P.C.

By:



Michael D. Reed, Esquire
Attorney I.D. #35193
3631 North Front Street
Harrisburg, PA 17110-1533
(717) 232-7661
(717) 232-2766 (fax)

Attorneys for Complainant
Elizabeth Hensil

DATED: January 25, 2010
158488

COMMONWEALTH OF PENNSYLVANIA :
 : SS.
COUNTY OF DAUPHIN :

**AFFIDAVIT OF ELIZABETH HENSIL, LOCAL AFFAIRS SPECIALIST,
PENNSYLVANIA ASSOCIATION OF REALTORS**

Before me, a Notary Public in and for the Commonwealth of Pennsylvania and the County of Dauphin, personally appeared Elizabeth Hensil, Local Affairs Specialist, Pennsylvania Association of Realtors, this 22nd day of January 2010, who, being duly sworn according to law deposes and swears to the accuracy of the following facts, to the best of her knowledge, information and belief:

1. In my position as Local Affairs Specialist for the Pennsylvania Association of Realtors, I have been requested to obtain digital real estate tax assessment records from several of the counties in the Commonwealth of Pennsylvania.
2. The Pennsylvania Association of Realtors is a nonprofit organization.
3. The purpose of the Pennsylvania Association of Realtors for obtaining the digital tax assessment records of the respective counties within the Commonwealth of Pennsylvania is to support an educational program undertaken by the Pennsylvania Association of Realtors to educate its members.
4. The name of the educational program in question is the Community Reinvestment Project ("CORE"). The details of the CORE program and the relation of the digital tax assessment records to the educational purposes of that program are set forth in an official publication of the Pennsylvania Association of Realtors attached hereto as Exhibit "A" and incorporated herein by reference as if fully set forth.

5. Due to its status as a nonprofit organization, and the educational purpose to be served by the statistical information sought, the Pennsylvania Association of Realtors hereby claims an exemption to the "reasonable market value" fee structure for digital tax assessment records pursuant to 65 P.S. §67.1307(b)(4)(ii)(B).

6. In my capacity as Local Affairs Specialist, I have made several requests for digital tax assessment records to the respective counties of the Commonwealth of Pennsylvania over the past three months and have been charged amount ranging from \$0.00 to \$530.00 by 25 respective counties of the Commonwealth of Pennsylvania, with per records prices ranging from \$.0.00 to \$0.01157. A document detailing the amounts charged by the respective counties and the cost per record is attached hereto as Exhibit "B" and incorporated herein by reference as if fully set forth.

7. The Pennsylvania Association of Realtors has not appealed the costs charged by any of the 25 counties set forth in Exhibit "B" hereto.

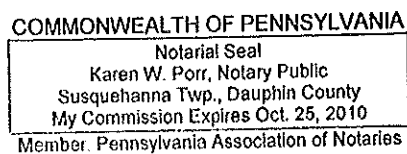
Dated: 1/22/10

Elizabeth Hensil
Elizabeth Hensil, Local Affairs Specialist
Pennsylvania Association of Realtors

Sworn to and subscribed before
me this 22nd day of January 2010.

Karen W. Porr
Notary Public

158438





The Community Reinvestment Project – CORE

Background

The Community Reinvestment Project – CORE – is a long-term effort with the ultimate goal of turning government-owned properties back into productive use in order to provide workforce housing for key target audiences such as first-time homebuyers, teachers, firefighters, and police officers. CORE will help individuals realize the American dream of homeownership as well as stabilize communities in urban centers.

CORE is based on a similar concept developed by the Greater Baltimore Board of REALTORS® (GBBR) which has been in place since September 2003. The GBBR program, called SCOPE or Selling City-Owned Properties Efficiently, has sold 264 properties for a total value to the City of Baltimore of over \$6 million. PAR's CORE project will broaden the basic concepts of SCOPE to a statewide application by compiling and analyzing data not available through one central source and by leveraging the relationships of state and local associations as well as members to create housing opportunities for underserved groups.

CORE Goals

The overall goal of PAR is to encourage local housing and redevelopment authorities to enter into agreements with REALTORS® to market and sell government-owned properties through



CORE in order to turn the properties back into productive use. These properties would provide affordable workforce housing for key target audiences, such as teachers, police officers and fire fighters as well as health care workers, retail clerks, administrative personnel and other moderate income workers, all of whom are essential to the economic vitality of a city or region and the success of its businesses, institutions and governmental functions.

Specific project goals include:

- Provide affordable workforce housing for key target populations, based on the needs of the municipality;
- Simplify and streamline the process of selling government-owned properties using expertise of local REALTORS®;
- Put government-owned properties back into productive use and provide an income stream for municipalities; and
- Transfer distressed properties to responsible buyers willing to rehabilitate properties.

Project Specifics

Phase One: Collect statistics on government-owned property for each county in the state. It is estimated that there are tens of thousands of government-owned properties across the Commonwealth of Pennsylvania. Anecdotally, it is believed that many of them are residential properties in low-to-moderate income urban areas. Because of the complex interrelationship of counties (67), various municipal governments (2,563), local school districts (500) and uncounted governmental agencies such as housing authorities and redevelopment authorities, there is no single source to understand how many government-owned properties there are in any particular municipality, let alone how many there are in the entire state. In order to move forward with CORE, we must collect property data for each county. Property data collection started in earnest in late-October, with records obtained to date from the counties of: Allegheny, Armstrong, Beaver, Bradford, Centre, Cumberland, Huntingdon, Lancaster, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York. The collection process is being conducted in-house by PAR staff as we must file an Open Record Request in each county. Cost for the data varies greatly by county dependent upon the number of records, availability of data, and how the records are stored. PAR is currently purchasing data with a maximum expense of \$500 per county; data quoted at amounts above the \$500 threshold are being appealed.

Phase Two: Analyze/map/package all statewide data. As each Open Record Request is approved, and data is made available, it is forwarded to our consultant, Strategic Guidance Systems (SGS). SGS has the ability and expertise to analyze the data in order to identify government-owned property in each county. SGS is currently developing a software mapping system that will allow viewers to clearly see the impact that government-owned properties have on a community. The software identifies government-owned properties, as well as current condition of the property. It has a zoom feature that will take the viewer down to street-level and provide a 360° view of the property and surrounding area. The mapping component will be an invaluable tool when speaking with municipal officials about CORE, and will be incorporated into the website.

Phase Three: Develop standards and materials for statewide program. The CORE Advisory Group will assist in the formulation of standards and materials for CORE. As a new project, it will be the responsibility of the Advisory Group to help get the project up off the ground and running.

The Group will be responsible for such components as:

- Setting standards and establishing specific goals to measure success.
- Facilitating development of standard forms to be used as municipalities enter into agreements for the program, and also for REALTORS® who agree to participate.
- Developing educational materials to instruct REALTORS® on the new program, its benefits to both REALTORS® and the community, and the overall mechanics of marketing CORE properties. The tools shall include webinars, podcasts, forums, and other mediums as appropriate.
- Developing a property vetting process.
- Helping to achieve deliverables as addressed in the program timeline. The Group will develop, as necessary, additional target dates for subcomponents of the timeline, such as developing forms and establishing goals.
- Establish a detailed marketing plan, with components such as banner and radio ads, and direct mail.
- Suggesting website features.

The Group will develop, as necessary, additional target dates for subcomponents of the timeline.

Phase Four: Develop website to contain information on government-owned properties currently available through the program. The website will include general information on CORE, a list of municipalities currently participating in the CORE project, and details on how REALTORS® and municipalities can get involved in CORE. The website will also include an access portal to the mapping software as developed by SGS for PAR. The mapping will contain data on all government-owned properties throughout the Commonwealth, but will specifically focus on those properties currently for sale through CORE. Individuals will be able to access basic information, such as general property location, without a user name and password. However, more detailed information, such as address, the 360° viewing feature, and contact information for the listing REALTOR® will require a user name and password.

Phase Five: Educate members and local REALTOR® staff on CORE. The educational component developed in Phase Three by the Advisory Group will be implemented here. Along with our REALTOR® members, the local staff of our 48 local associations will play a key role in helping to educate municipalities and redevelopment authorities on CORE. Our plan is to first educate the local government affairs directors, of which we currently have 10 throughout the state. These staff members represent and communicate on behalf of over 20,000 of our more than 30,000 members. Areas covered by these staff include: Adams, Allegheny, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, and York counties. We are currently in the process of collecting data for these areas, and have succeeded in gathering information for seven of the counties. Our local government affairs staff is ready, willing and able to help implement CORE.

Phase Six: Enter into agreements with governmental agencies to sell government-owned properties. Identify REALTORS® who are willing and able to market and sell government-owned properties. Once the target properties for redevelopment have been identified, we can then approach governmental agencies to discuss CORE, how it has worked in Philadelphia, and how we can make the program work for their municipality. At this point, we have not yet reached out to specific municipalities, other than through the Philadelphia pilot. We are currently collecting and analyzing data, and are not yet in the phase of speaking specifically to municipalities about our program. We understand that some municipalities will not participate in CORE simply because they do not have enough government-owned property to warrant engagement. After municipalities are identified who would like to partner with PAR in the program, we will market the program to REALTORS® in those areas.

Program Timeline

Deliverable	Start Date	Completion Date
Collect property data for each county	November 2009	April 2010
Standardize/analyze/map/package data	November 2009	April 2010
Develop standards and materials for program	December 2009	March 2010
- Form Advisory Committee	December 2009	December 2009
- Establish goals	January 2010	January 2010
- Set guidelines for municipalities	January 2010	February 2010
- Develop educational tools (for municipalities, REALTORS®, and staff)	Jan-Feb 2010	TBD
- Develop standard forms (includes review of GBBR forms and legal counsel input)	Jan-Feb 2010	TBD

- Establish marketing campaign	Feb-March 2010	TBD
Develop website for property data	November 2009	Ongoing
Educate members and REALTOR® staff	February 2010	Ongoing
Enter into agreements with municipalities	March 2010	Ongoing
Enter into agreements with REALTORS®	March 2010	Ongoing

Evaluation Plan

The measure of success for CORE will be as follows:

- Number of working individuals and families that gain homeownership by purchasing a CORE property;
- Number of municipalities that enter into agreements with local REALTORS® to market and sell government-owned properties;
- Number of REALTORS® who become involved in CORE and agree to market and sell government-owned properties;
- Number of registered users on CORE website;
- Number of government-owned properties sold under CORE; and
- Revenue added to the tax rolls through properties sold under CORE.

Tracking statistics on these components over a period of time will help determine the success of the project. As indicated previously, the Advisory Group will be responsible for establishing specific goals within these broad categories. For example, the Group will set a goal of how many working individuals and families that we should assist per year. The Group will also set additional goals, if they deem necessary, to measure success.

County	Records	Actual Cost	Cost per record
Adams			
Allegheny	578,043	\$51.78	\$0.00009
Armstrong	43,210	\$500	\$0.01157
Beaver	93,904	\$100	\$0.00106
Bedford			
Berks		\$500	
Blair			
Bradford	35,516	\$80	\$0.00225
Bucks			
Butler	97,869	\$245	\$0.00250
Cambria		\$500	
Cameron		\$250	
Carbon			
Centre	52,390	\$110	\$0.00210
Chester			
Clarion			
Clearfield			
Clinton			
Columbia			
Crawford			
Cumberland	101,568	\$0	\$0.00000
Dauphin			
Deleware			
Elk			
Erie		\$500	
Fayette			
Forest	11,712	\$120	\$0.01025
Franklin			
Fulton			
Greene			
Huntingdon	29,105	\$100	\$0.00344
Indiana		\$530	
Jefferson			
Juniata		\$100	
Lakawanna			
Lancaster	189,325	\$53	\$0.00028
Lawrence			
Lebanon			
Lehigh			
Luzerne	160,000	\$500	\$0.00313
Lycoming			
McKean			
Mercer			
Mifflin	23,654	\$50	\$0.00211
Monroe			
Montgomery	295,587	\$53	\$0.00018
Montour			
Northampton	125,303	\$150	\$0.00120
Northumberland			
Perry	23,450	\$50	\$0.00213
Philadelphia	577,780	\$50	\$0.00009
Pike			
Potter			

Schuylkill	93,285	\$0	\$0.00000
Snyder			
Somerset			
Sullivan			
Susquehanna			
Tioga			
Union			
Veñango			
Warren			
Washington		\$250	
Wayne			
Westmoreland			
Wyoming			
York	189,724	\$50	\$0.00026



January 29, 2010

Michael D. Reed, Esq.
Caldwell & Kearns
3631 North Front Street
Harrisburg, PA 17110-1533

RE: Petition for Reconsideration, OOR Dkt. AP 2009-1074

Dear Mr. Reed:

We are in receipt of your Petition for Reconsideration dated January 25, 2010 in connection with the above referenced docket number. We hereby deny your Petition.

In addition, we note that in your letter of January 28, 2010 withdrawing multiple appeals made by your client, Elizabeth Hensil and the Pennsylvania Association of Realtors (OOR Dkt. Nos. 2009-1020, 1019, 1095 and OOR Dkt. Nos. 2010-0011, 0030, 0004) you include the OOR Dkt. AP 2009-1074 in the list of appeals your client wishes to withdraw. Because this appeal has already resulted in the issuance of the Final Determination, it cannot be withdrawn.

Thank you,

Sincerely,

A handwritten signature in black ink, appearing to read "C. Wilson", with a long horizontal line extending to the right.

Corinna V. Wilson
Chief Counsel

cc: Terry Mutchler, Executive Director, Office of Open Records
Carolene Santiago, Open Records Officer, Adams County