

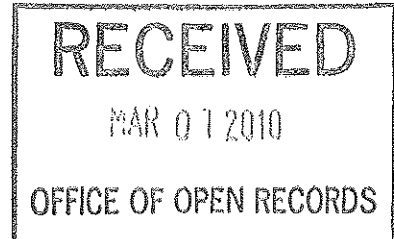


CHERYL
CATHERINE
OWEN

February 25, 2010

Attorney At Law

Lucinda Glinn, Esquire
Appeals Officer
Pennsylvania Office of Open Records
Commonwealth Keystone Building
400 North Street
4th Floor
Harrisburg, PA 17120-0225



Re: Darlene Maley v. Greene County
Docket No. AP 2010-0065

Dear Ms. Glinn:

I am enclosing a Petition for Reconsideration on behalf of the County of Greene along with the three attachments which it requests you consider regarding this matter. Of note is that the Final determination is identified as 2009-0065, but I believe this is a typing error in that the appeal was filed in 2010. Thank you.

Very truly yours,

Cheryl Catherine Cowen, Esquire

BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS

IN THE MATTER OF:

DARLENE MALEY,
Complainant,

v.

Docket No. AP 2010-0065

GREENE COUNTY,
Respondent.

PETITION FOR RECONSIDERATION

AND NOW COMES, The County of Greene, through its attorney, Cheryl Catherine Cowen, and respectfully requests the Appeals Officer for the Pennsylvania Office of Open Records reconsider her decision in the above captioned matter, and in support thereof avers:

1. The Complainant, Darlene Maley, on or about January 22, 2010 filed an appeal with the Pennsylvania Office of Open Records stating that she had requested the "policy and procedure for inmates visitation with visitors" and "policy and procedure regarding release policy if inmate has incidents while in jail." and that her request had not been responded to.

2. By way of letter dated January 25, 2010, the Executive Director, Terry Mutchler, determined that the Complainant had not waited the required time period to file an appeal, and therefore her appeal would not be acted on.

3. By letter dated January 25, 2010, the Complainant was advised that there was no written policy regarding inmate discharge and infractions. A copy of that letter is attached as Exhibit "A".

4. The Respondent received no other communications regarding this matter until the Final Determination was received on February 24, 2010. In support of this statement, the affidavit of Gene Lee, Chief Clerk is attached as Exhibit "B".

5. By way of additional proof of the statement set forth in the January 22, 2010 letter

to the Complainant, the Respondent offers the affidavit of Harry J. Gillispie, Warden of the Greene County prison wherein he states there is no written policy regarding inmate release. This affidavit is attached as Exhibit "C".

6. The Respondent requests that the Hearing Officer consider the enclosed documents, open the record, and make a new determination taking into consideration the evidence offered today, or if this is the same appeal that is referred to in the January 25, 2010 letter from Terry Mutchler, follow Mr. Mutchler's statement and dismiss the appeal as premature.

WHEREFORE, the County of Greene requests the Hearing Officer reconsider her prior decision in this matter and issue a decision taking into consideration the evidence offered in this Request for Reconsideration or in the alternate, dismiss the appeal as premature.

Respectfully submitted,



Cheryl Catherine Cowen, Esquire
Attorney ID #56406
769 Lippencott Road
Waynesburg, PA 15370



HERYL
ATHERINE
OWEN

Attorney At Law

January 25, 2010

Darlene Maley
141 Pine Street
Jefferson, PA 15344

Re: Your most recent request of the Greene County Jail
for logs from December 28, 2010 through January 14, 2010

Dear Ms. Maley:

I am enclosing the log of prison inmate visitors from December 28, 2009 through January 14, 2010. You were previously provided with the log up to and including December 27, 2009. I also was mistaken when I stated that you were provided with the most recent policy and procedures regarding visits. It appears that I sent you a copy of what you FAXed to someone else and then that documentation was provided to me regarding visitation at the prison. I am enclosing the Greene County Prison Policy & Procedures regarding visitation.

Warden Gillispie tells me that there is no written policy regarding inmate discharge and infractions.

To confirm what I emailed to you today, kindly do not request any right to know documents by email. The County requests that you fill out the proper paperwork for any requested documents. We cannot continue with the multiple emails any longer; it just is too difficult to keep track of the many email requests to different persons in different departments on different dates.

Very truly yours,

Cheryl Catherine Cowen, Esquire

enclosures
copy to: Gene Lee
Warden Gillispie

AFFIDAVIT

COUNTY OF GREENE:
COMMONWEALTH OF PENNSYLVANIA:

Personally appeared before me, the undersigned officer, a notary public, Gene Lee, Chief Clerk of the County of Greene who being duly sworn deposes and says:

1. He is the chief Clerk for the County of Greene.
2. He maintains the records received regarding Right-To-Know requests. He has searched the records for the County of Greene and cannot find wherein the County received an appeal filed by Darlene Maley regarding inmate release policy at the number of 2009-0065 or 2010-0065.

2/25/10
Date

Gene Lee
Gene Lee

2/25/10
Date

Mary Ann Lewis
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Mary Ann Lewis, Notary Public
Waynesburg Boro, Greene County
My Commission Expires Dec. 10, 2012
Member, Pennsylvania Association of Notaries

Exhibit "B"

AFFIDAVIT

COUNTY OF GREENE:
COMMONWEALTH OF PENNSYLVANIA:

Personally appeared before me, the undersigned officer, a notary public, Harry D. Gillispie, Warden of the Greene County prison who being duly sworn deposes and says:

1. He is the Warden for the County of Greene prison.
2. He maintains the records, documents and any written policies regarding release and infractions pertaining to the inmates of the County of Greene prison. There is no written policy and procedures regarding inmate release. The prison follows the order set forth by the Court which sentenced the inmate.

26 Feb. 10
Date

Harry D. Gillispie
Harry D. Gillispie

2/26/10
Date

Mary Ann Lewis
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Mary Ann Lewis, Notary Public
Waynesburg Boro, Greene County
My Commission Expires Dec. 10, 2012
Member, Pennsylvania Association of Notaries

Exhibit "C"

CERTIFICATE OF SERVICE

I, Cheryl Catherine Cowen, Esquire, hereby certify that a true and correct copy of the Petition for Reconsideration, was served on the following persons by placing the same in the U.S. Postal service, first class, postage prepaid, this 26th day of February, 2010.

Darlene Maley
141 Pine Street
Jefferson, PA 15344.

2/26/10
Date

Cheryl Catherine Cowen
Cheryl Catherine Cowen, Esquire
Attorney for The County of Greene



pennsylvania
OFFICE OF OPEN RECORDS

VIA EMAIL AND FIRST CLASS US MAIL

March 9, 2010

Cheryl Catherine Cowen, Esquire
769 Lippencott Road
Waynesburg, PA 15370

RE: Petition for Reconsideration received March 1, 2010 / OOR Dkt. AP
2010-0065

Dear Ms. Cowen:

We are in receipt of your Petition for Reconsideration dated February 25 in connection with the Office of Open Records Final Determination in *Darlene Maley v. Greene County*, OOR Dkt. AP 2010-0065. We hereby deny your Petition.

Sincerely,

Corinna V. Wilson
Chief Counsel

cc: Terry Mutchler, Executive Director, Office of Open Records
Darlene Maley