



pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF:	:	
	:	
KENNETH LENNING,	:	
Complainant	:	
	:	
v.	:	Docket No.: AP 2009-1100
	:	
MONROE COUNTY,	:	
Respondent	:	

INTRODUCTION

Kenneth Lenning (the “Requester”) filed a right-to-know request (the “Request”) pursuant to the Right to Know Law (“RTKL”), 65 P.S. §67.101, *et. seq.*, with Monroe County (the “County”). He sought copies of various records. The County denied the Request. The Requester timely appealed to the Office of Open Records (“OOR”). The Request in this appeal is identical to that filed in *Bittenbender v. Monroe County*, 2009-1099. The legal analysis and holding in that Final Determination is incorporated and adopted herein as OOR precedent. The appeal is **granted in part and denied in part** and the County is required to proceed as set forth below.

CONCLUSION

The appeal is **denied in part and granted in part**. The County is directed to provide copies of any and all e-mails and text messages sent by the persons named in the Request. If the records do not exist, the County is required to provide the Requester with the sworn and notarized affidavit of a person with knowledge to that effect. The County is permitted to redact any information that is confidential under the Child Protective Services Law. This Final Determination is binding on the parties. Within thirty (30) days of the mailing date of this Determination, either party may appeal to the Monroe County Court of Common Pleas. All parties must be served with notice of the appeal. The Office of Open Records also shall be served notice and have an opportunity to respond according to court rules. 65 P.S. §67.1301. The parties are further advised that a copy of this Final Determination will appear on the Office of Open Records website, <http://openrecords.state.pa.us>

FINAL DETERMINATION ISSUED AND MAILED February 5, 2010



APPEALS OFFICER
NATHANAEL J. BYERLY, Esquire

Sent to:
Kenneth Lenning
Greg Christine