

Fax (717) 425-5343

Petition for Review AP 2010-0155

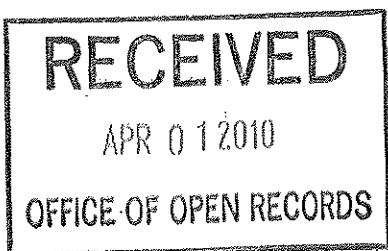
Dear Ms. Terry Mutchler:

I filed an Open Records Request dated January 11, 2010 requesting all records from York County Children and Youth Services as they relate to false accusations that were made against me in 2006. I was informed by the Office of Open Records (OOR) that as soon as an Appeals Officer was assigned to my case she/he would immediately contact me by mail to identify herself/himself and to be available to answer questions to ensure my understanding of the process. I also know this because that was how my previous case was properly handled by your office.

After a period of time I became concerned that my due process rights were being ignored in this instant case so I made a number of phone calls to your office leaving a number of messages to the Appeals Officer assigned to my case. Each time I called I was assured that the Appeals Officer would very shortly contact me to better my understanding of the request process, answer all of my questions and give me a fair opportunity. However, that is not what happened. None of my phone calls were ever returned by my Appeals Officer during the 30-day period and therefore all of my due process rights were indeed ignored. It wasn't until I received the final determination that I found out that the Appeals Officer was Ms. Audrey Buglione, Esquire. She never identified herself to me during the 30-day period and she never answered any of my phone calls her including but not limited to voice mail messages.

After receiving the final determination letter I again called your office and asked to speak with the Appeals Officer assigned to my case. I again left my name and number and a voice mail message but to date Ms. Buglione has again failed to contact me. Since all of my due process rights were in effect denied me in this case I am requesting that you begin the process over again and this time please kindly assign another Appeals Officer. I am also requesting that you please provide Ms. Buglione with the necessary training so that this type of incident will not happen again. Something of this nature can cause great harm not only to the reputation of your fine office but to the requestor and her/his family.

In closing please advise Ms. Buglione that she needs to clearly and promptly apologize to my family for her actions/inactions as it relates to her mishandling of this very important open records request and/or open records process. Please note that Mr. Barry Fox has already apologized for Ms. Bugliones' behavior but I am requesting to hear it from her and to have it in writing.



Sincerely,


Gary Evans





COMMONWEALTH OF PENNSYLVANIA
OFFICE OF OPEN RECORDS

TERRY MUTCHLER, EXECUTIVE DIRECTOR

April 9, 2010

Gary Evans
121 Sunset View Drive
New Cumberland, PA 17070

Dear Mr. Evans,

Thank you for writing to the Office of Open Records. I have received your April 1, 2010 letter in which you express your concerns regarding docket # 2010-0155 and have asked for us to reconsider our decision.

I have reviewed the matter in its entirety, discussed this matter the Deputy Director with whom you have had discussions and am satisfied that the Office of Open Records acted properly and ensured protection of your due process rights. Thus, your request for reconsideration is denied. Please be advised however that should you disagree with the determination of our office, you have the right to file an appeal with the Court of Common Pleas of York County as was previously outlined to you. Lastly, you indicate that Attorney Audrey Buglione never contacted your during the pendency of your appeal. Attached please find a copy of a letter Attorney Buglione sent to you as she reviewed this appeal.

Respectfully,

A handwritten signature in cursive script that reads "Terry Mutchler".

Terry Mutchler
Executive Director