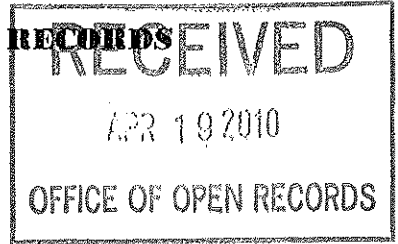


BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS



IN THE MATTER OF:
JASPER HO
Complainant,

v.

Docket No. AP2010-0204

MAXATAWNY TOWNSHIP RESPONDENT

PETITION FOR RECONSIDERATION

WHEREAS NATHANAEL J. BYERLY, ESQUIRE of OPEN RECORDS OFFICE on 5 APRIL, 2010 has rendered a "FINAL DETERMINATION" to DENY Jasper Ho, Complainant his appeal to secure existing ELECTRONIC COPIES of PennVEST Application filed by Maxatawny Township/Maxatawny Township Municipal Authority (MTMA) from BOTH AGENCIES' OPEN RECORDS OFFICER, K. Ray Stauffer, **SOLELY** on ACCOUNT of His Notarized Affidavit that ELECTRONIC COPIES do NOT EXIST OUTSIDE of the SECURE PENNVEST SERVER and NEED to BE CREATED to SATISFY Jasper Ho's RTK (i.e., Mr. Stauffer's word against Jasper's word without allowing for additional evidence that have been obtained in the meantime).

WHEREAS K. Ray Stauffer did knowingly and deliberately chose to answer NATHANAEL J. BYERLY, ESQUIRE's letter of 10 March 2010 (that had informed him of the opening of this case and the deadline date of 22 March 2010 to Jasper Ho's Appeal) until the LAST POSSIBLE DAY for his response exactly on 22 March 2010 with his said Affidavit, THEREBY RUNNING OUT the CLOCK per OPEN RECORD's RULES for Jasper Ho to COUNTER his Affidavit with COPIES of E-MAIL (a key example is attached) between PennVEST (Ms. Vickie Johnson) and Maxatawny Township that indeed ELECTRONIC COPIES of the Maxatawny PennVEST were submitted by Mr. Stauffer and Maxatawny Engineer, Mr. Chris Falencki

WHEREAS K. Ray Stauffer was clearly warned by the Honorable Mr. Byerly that under 18 Pa. C.S. § 4904 that any submission of false affidavit would be subject to severe penalties for perjury, he nevertheless took the chance to violate the law, his oath as a public employee of the township and the sewer authority to uphold the law, his disdain

of the Open Records Law, and most importantly, his open contempt of the authority of Open Records Office

WHEREAS To ignore Mr. Stauffer's perjury is to invite the further abuse of Open Record's historic trust and reliance on Agency Officers' Notarized Affidavits to be True, Factual and Dependable in rendering its Decision in a fair and streamlined fashion... thereby, making a mockery of Pennsylvania's Open Records Law and creating a loss of public faith in the Office of Open Record's ability to promote transparency in government decisions - i.e., free and clear of unethical or illegal backroom deals perpetuate when public records can be hidden from public scrutiny and accountability by just simply making out false affidavits. If allowed to go unchallenged, the entire process of Open Records appeals would be rendered ineffective.


WHEREAS PennVEST's policy is clearly to require all grant applications and attachments (with just two exceptions) to make their work easier and less costly to process and store in server rather than file cabinets - if Open Records Office were to grant this PETITION TO RECONSIDER, it would single-handedly not only recognize what is an easily checkable fact by a short phone call to PennVEST, but confirm Mr. Stauffer's perjury, AND advance its MISSION to lower the costs and improve the accessibility of Agency records across Pennsylvania by even the poorest Pennsylvanians.

WHEREAS A number of crucial Right-To-Knows with very time sensitive legal deadlines have just been denied by Mr. Stauffer to the complainant and others in the community using ever more creative means on the part of Mr. Stauffer because he has been particularly emboldened by his "WIN" on this case through use of perjury, this appeal is to avoid having to further burdening Open Records Office with ever larger numbers of appeals against Mr. Stauffer by suffering residents of Maxatawny Township

WHEREAS In the absence of applicable Office of Open Records interim regulations regarding Petitions for Reconsideration, your office has stated that it will follow the procedures set forth in Pennsylvania's General Rules of Administrative Practice and Procedure, 1 Pa. Code Section 35.241 which grants the complainant the opportunity to submit this PETITION TO RECONSIDER WITHIN 15 Days of the 5 APRIL, 2010 FINAL DETERMINATION by the Honorable Mr. Byerly and this being the 14th Day of the allowed period to file such a petition.

THEREFORE, the undersigned Complainant, Jasper Ho, RESPECTFULLY asks the Distinguished Executive Director, Terry Mutchler, to KINDLY ASSIGN an OPEN RECORDS OFFICER to FORMALLY RE-OPEN this DOCKET to ASK ALL CONCERNED PARTIES as to WHY Mr. Stauffer should NOT be CHARGED with PERJURY on THIS CASE and a CEASE-AND-DESIST ORDER be ISSUED in the INTERIM to Mr. Stauffer regarding his handling of ANY Right-to-Know Request that will be RE-SUBMITTED to him shortly by the complainant and members of his group.

The Complainant does NOT wish to send Mr. Stauffer to jail or be fined on account of his perjury – only that he, from now on, be forthcoming and prompt to provide at legally allowed costs, all the Open Records Jasper Ho and members of his CONCERNED CITIZENS for A FAIR SEWER SOLUTION seek in order to expose the filing of false facts and figures with grant agencies like PennVEST, the DCED, and BCCD and with state agencies like the PA DEP.. The Open Records Law and the Office of Open Records exist in order to bring more honesty and integrity to our state and local government.



Jasper F. Ho

Sworn and subscribed before me
This 19 th Day of April 2010



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Linda L. Smith, Notary Public
City Of Allentown, Lehigh County
My Commission Expires Sept. 16, 2010
Member, Pennsylvania Association of Notaries

Commonwealth of Pennsylvania
County of Lehigh

Johnson, Vickie

From: weisereng@aol.com
Sent: Friday, January 15, 2010 12:29 PM
To: Johnson, Vickie
Cc: Ruch, Edward; kaps@maxatawny.net; Weisereng@aol.com
Subject: Maxatawny Pennvest Application #08114071001-CS
Attachments: checklst.pdf, er letter.pdf, income survey.pdf, Index.pdf, location map lines1.pdf, seo report.pdf, title.pdf

Good Morning Vickie and Ed:
For your information
Kap has just submitted and checked complete the application portion and technical portion of the application. Attached are some of the backup documents for the application portion, I already sent you the technical portion.

Thanks

Christopher Falencki, P.E.
President
Weiser Engineering Consultants, LLC
425 Columbus Street
Wernersville, PA 19565
610-670-6466
610-670-1226(fax)
weisereng@aol.com

4/19/10

Please note:

1. "Kap" is K. Ray Stauffer
2. Vicki Johnson is PennVest
officer taking application for
sewer grants from Maxatawny
3. Chris Falencki is engineer
for Maxatawny Township and
its sewer authority, MTA
4. Ed Ruch is with PA-DEP
John M

Brawley, Maryanne

From: Jaswin2005 [jasmin05@verizon.net]
Sent: Monday, April 19, 2010 11:10 AM
To: DC, OpenRecords
Subject: Petition to Reconsider Docket No. 2010-0204
Attachments: Apr 19 2010 Petition to Reconsider AP2010-0204.PDF

Dear Executive Director Terry Mutchler,

Enclosed please find my Petition to Reconsider for Docket No. 2010-0204. I will drop the originals in the mail today.

Looking forward to your kind assistance to help right an injustice (perjury using sworn/notarized affidavit) that continues to create much difficulty for me and my group to access public records under the control of Maxatawny Township manager/Open Records Officer, Mr. "Kap" Ray Stauffer.

Thank you very much for doing this vital job to preserve government integrity in this Commonwealth through transparency of official records.

Have a wonderful week!!

Jasper F. Ho
84, Ivy League Drive
Kutztown, PA 19530
Tel: (610) 481-8006 (daytime)

E-mail: jasmin05@verizon.net



VIA EMAIL AND US MAIL

April 20, 2010

Jasper Ho
84 Ivy League Drive
Kutztown, PA 19530

RE: Petition for Reconsideration dated April 19 / OOR Dkt. AP 2010-0204

Dear Mr. Ho:

We are in receipt of your Petition for Reconsideration dated April 19 in connection with the Office of Open Records Final Determination in *Ho v. Maxatawny Twp*, OOR Dkt. AP 2010-0204. We hereby deny your Petition.

Respectfully,

A handwritten signature in black ink, appearing to read "Terry Mutchler", is written over a faint, larger version of the signature.

Terry Mutchler
Executive Director

cc: K. Ray Stauffer, Open Records Officer
Maxatawny Twp