



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

Josh Shapiro
ATTORNEY GENERAL

April 9, 2019

15th Floor, Strawberry Square
Harrisburg, PA 17120
(717) 783-1111

E-mail: matthewdhardin@gmail.com

Attn: Matthew Hardin
Energy Policy Advocates

**RE: Right to Know Request
2019-087**

Dear Mr. Hardin:

This letter acknowledges receipt by the Office of Attorney General of your written request for records under the Pennsylvania Right-to-Know Law (65 P.S. §67.101 et seq.) (“RTKL”). Your request was received by the Right to Know Office on March 21, 2019. On March 28, 2019, you were notified that a legal review was necessary to determine whether the records requested are subject to access under the RTKL and that additional time was required to perform this review. As provided in the RTKL, the Office of Attorney General (“OAG”) required up to an additional 30 calendar days, or until April 29, 2019, in which to provide a final response to your request. The review has now been completed, and this letter serves as our final response to your request.

The “identified records” are those stated in your March 21, 2019 request, as modified by any subsequent communications. Specifically, your request indicates that you are seeking the following information:

1. All records sent to or from (including also copying) a) Joe grace b) Steven Santarsiero, and/or c) Mike Fisher, whether sent by electronic or regular mail...that reflect the extension of any offer of employment, engagement, assignment and/or secondment, of any individual, in any capacity, for any position whether with your Office or otherwise, that in any way mentions or relates to New York University Law School’s State Energy & Environmental Impact Center, dated from December 1, 2018 through [March 21, 2019].

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2. ...all emails, hard-copy cover letters, and/or invitations to join a shared folder, including any attachments, transmitting the above-described records to your Office.

A full and complete search pursuant to the requirements of the RTKL has been conducted. Your request cannot be granted, as no records have been found for the above-specified request.

NO RECORDS FOUND

The records you have requested—records of employment offers regarding New York University Law School’s State Energy & Environmental Impact Center, during the time period of December 1, 2018 until March 21, 2019—do not exist as a record of this agency and we are not required to create a record that does not exist. 65 P.S. §67.705. *Moore v. Office of Open Records*, 992 A.2d 907 (Pa. Cmwlth. 2010). It should be noted that it is not a denial of access when an agency does not have possession, custody or control of a record and there is no legal obligation to obtain such record. 65 P.S. §67.506(d)(1). However, if you choose to interpret this letter as a denial, you may file an appeal as indicated below.

CONCLUSION

For the above reason, your request cannot be granted. We trust that this response addresses the intent of your request.

RIGHT TO APPEAL

BY PROVIDING THIS RESPONSE, THE OFFICE OF ATTORNEY GENERAL HAS SATISFIED ITS OBLIGATION TO RESPOND TO YOUR REQUEST. SHOULD YOU WISH TO CHALLENGE THIS RESPONSE UNDER THE RTKL, YOU MUST FILE AN APPEAL WITH THE RIGHT TO KNOW APPEALS OFFICER OF THE PENNSYLVANIA OFFICE OF ATTORNEY GENERAL, WITHIN FIFTEEN (15) BUSINESS DAYS OF THE MAILING DATE OF THIS LETTER. YOUR APPEAL MUST INCLUDE A COPY OF YOUR ORIGINAL REQUEST AND THIS AGENCY’S RESPONSE, STATE THE GROUNDS UPON WHICH YOU CLAIM YOUR REQUEST SHOULD NOT HAVE BEEN DENIED AND ADDRESS ALL REASONS STATED BY THIS AGENCY FOR ITS DENIAL OF YOUR REQUEST. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY RESULT IN DISMISSAL OF YOUR APPEAL. YOUR APPEAL MUST BE SENT TO THE FOLLOWING:

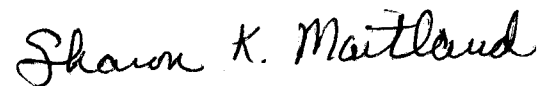
RIGHT TO KNOW APPEALS OFFICER
OFFICE OF ATTORNEY GENERAL
CIVIL LITIGATION SECTION
15TH FLOOR STRAWBERRY SQUARE
HARRISBURG, PA 17120

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Please note that this response is being sent from an unmonitored e-mail address. Do not reply to this e-mail.

Sincerely,

A handwritten signature in cursive script that reads "Sharon K. Maitland".

Sharon K. Maitland
Deputy Attorney General
Right to Know Officer

SKM:mae
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