

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Angela Couloumbis,	:	
Petitioner,	:	
	:	
v.	:	No. _____
	:	
Senate of Pennsylvania,	:	
Respondent.	:	

PETITION FOR REVIEW

Angela Couloumbis, an investigative reporter for Pennsylvania news outlet *Spotlight PA*, petitions for review of the final determination of the Senate Appeals Officer (“AO”) denying her request for production of records under Pennsylvania’s Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* In support of her petition, she asserts:

Jurisdiction

1. Appellate jurisdiction lies with this Honorable Court pursuant to 65 P.S. § 67.1301(a), 42 Pa.C.S. § 763(a)(2), and Rule 1511 of the Pennsylvania Rules of Appellate Procedure.

Parties

2. Petitioner is an investigative reporter for the nonprofit news outlet Spotlight PA.

3. Respondent is the Senate of Pennsylvania, a legislative agency subject to the RTKL. 65 P.S. §§ 67.102, 67.303.

Background

4. On July 20, 2023, Petitioner submitted an RTKL request (the “Request”) to the Senate.

5. The Request sought records pertaining to communications between any Senate employee or senator and certain registered lobbyists.

6. By email dated July 26, 2023 the Senate denied the Request.

7. The Senate denied the Request based on a determination that the requested records are not within the definition of a “legislative record” as provided for in the RTKL. 65 P.S. § 67.102

8. On July 27, 2023, Petitioner timely appealed the partial denial of the Request to the Senate AO.

9. The Senate AO is designated by the Senate to receive and determine appeals of the Senate’s RTKL decisions. 65 P.S. § 67.503(c)(2)(i).

10. The Senate AO recused himself and referred the case to the Pennsylvania Legislative Reference Bureau, where one its lawyers was designated the Senate AO.

11. In their appeal to the Senate AO, Petitioner challenged the Senate’s denial.

12. On August 25, 2023, the Senate AO issued a final determination affirming the Senate’s denial of the Request. A true and correct copy of the Senate AO’s final determination is attached as Exhibit A.

Determination for Which Review is Sought

13. Petitioner seeks review of the Senate AO’s August 25, 2023 determination.

Objections to the Determination

14. The Senate AO erred in concluding, first, that the records at issue in Petitioner’s Request do not even fall within the definition of “legislative records” for purposes of 65 P.S. § 67.102. Second, and relatedly, the Senate AO erred in concluding that records at issue in the Request were exempt from disclosure under the RTKL, specifically under 708(b)(29). The RTKL specifically contemplates that “correspondence between a member of the General Assembly and a principal or lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure),” exactly what Petitioner sought here, is available through the RTKL.

Relief Sought

WHEREFORE, Petitioner respectfully requests that this Honorable Court reverse the AO’s determination of August 25, 2023 *and* order that all requested records be provided.

Date: September 22, 2023

/s/ Jim Davy

Jim Davy

PA Bar ID #321631

ALL RISE TRIAL & APPELLATE

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CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: September 22, 2023

/s/ Jim Davy
Jim Davy
PA ID: 321631

PROOF OF SERVICE

I hereby certify that I have served the foregoing document, Petition for Review, upon the persons listed on the date and in the manner indicated below, which satisfies the requirements of Pa. R.A.P. 121:

Notification by email and, if required by counsel, first class mail, as follows:

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