

# POTTSTOWN CITIZENS FOR Responsible GOVERNMENT

## Solicitor's invoices should be released

As *The Mercury* reported in a recent five-day series, Pennsylvania's new Right to Know Law makes it easier than ever before to obtain records from state and local agencies. For the first time, a government agency – including local municipalities and school districts – must presume that a record is a public record available for inspection or copying. If the government agency chooses to withhold a record, the agency has the burden to prove – with legal citation – why that record should not be available to the public.

Moreover, if records are not made available by a state or local agency, the citizen requesting the records no longer has to seek redress in court, a cumbersome and expensive process. Instead, the citizen can now appeal directly to the newly created state Office of Open Records. The Office of Open Records will appoint a hearing officer to review the request, together with any relevant evidence, and issue a decision within 30 days. That decision can then be appealed to court if either party thinks it necessary.

The new law is not the state's first Open Records law. Pennsylvania has had a Right to Know Law since 1957, which was subsequently amended and broadened. Years of case law has established that many kinds of records, including financial records such as invoices for products and services, are open to the public.

One of the most important officials in local government is the municipal lawyer, called the solicitor. Pottstown Council and the Pottstown School Board each appoint their own solicitor, who tells them what they can and cannot legally do. The solicitor attends all meetings of Council and the School Board and conducts all legal business, which can involve most aspects of local government.

Last year, we requested copies of all invoices submitted over a four-year period to Pottstown Borough by its solicitor, Charles Garner. Within five days, we received all of his monthly invoices for 2005, 2006, 2007, and 2008 (through October) and were billed 25 cents per page copied.

Previously, we had requested copies of all invoices submitted to the Pottstown School District by its solicitor, Stephen Kalis, from the time of his appointment in December, 2003, to the present. Here is the response we received from solicitor Kalis:



Commentary by  
Tom Hylton

*"Please be advised that the request for all invoices submitted by the School District's solicitor from December 1, 2003 to the present is overly broad as stated. In order to reduce the costs to the School District in personnel time needed to review the invoices and redact information permitted under the Right to Know Law, please clarify the nature of the request by indicating more specific time periods and/or matters involving the School District."*

We believe our request complies with both the old and the new Right to Know Law.

We cannot imagine what information might be contained on a solicitor's invoice that the public should not be allowed to see. We hope to find out. Today, we have resubmitted our request for the invoices under the new Right to Know Law. We will keep you posted on the results.

*Thomas Hylton, a 36-year resident of Pottstown, is treasurer and Web site editor of Pottstown Citizens for Responsible Government. He won a Pulitzer Prize during a 22-year career at The Mercury. He left the newspaper in 1994 to write a book and establish a non-profit dedicated to preserving Pennsylvania's towns and countryside.*

### Summary

- ◆ Pottstown Borough has released its solicitor's invoices covering the last four years. The Pottstown School District has not. We hope the school district will comply promptly with our new Right to Know Law request.