



COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL  
HARRISBURG, PA 17120

KATHLEEN G. KANE  
ATTORNEY GENERAL

January 22, 2014

15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
(717) 783-1111

Email: [ryan@ryanbagwell.com](mailto:ryan@ryanbagwell.com)

Ryan Bagwell  
5219 Shorecrest Drive  
Middleton, WI 53562

**Re: Right to Know Request**

Dear Mr. Bagwell:

This letter acknowledges receipt by the Office of Attorney General ("OAG") 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 December 16, 2013. On December 23, 2013, you were notified that to the extent records may exist, a legal review was necessary to determine whether the requested records are subject to release under this act and the extent or nature of the request precludes a response within the required time period. This letter serves as a final response to your request. For purposes of this letter, the "identified records" are those in your email, as modified by any subsequent communications.

Your request, which is restated below is responded to as follows:

1. all letters, emails, memos, reports, transcripts, audio recordings and video recordings that were sent or received by OAG employees including, but not limited to, Frank Fina, Linda Kelly, Joe McGettigan, and Randy Feathers, between November 1, 2011 and December 31, 2012, and were sent from or to the following individuals: Louis Freeh, an employee of The Freeh Group; Omar Y. McNeil, an employee of The Freeh Group; Thomas Cloud, an employee of The Freeh Group; Gregory Paw, an employee of The Freeh Group; any other employee of The Freeh Group

OAG response dated 6/12/13, in response to your RTKL request received on 5/6/13 – requested letters, emails and memos that were sent or received July 13, 2012 through December 31, 2012, between employees of the OAG and the following individuals: 1. Louis Freeh; 2. Omar Y. McNeill; 3. Thomas Cloud of Freeh International Solutions,

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LLC; 4. Gregory Paw of Freeh International Solutions, LLC; 5. Employees of Freeh, Sporkin & Sullivan, LLP; 6. Employees of Freeh International Solutions, LLC; 7. other individuals whose email addresses contain the freehgroup.com domain.

Your request was granted in part; providing three (3) emails from October 31, 2012 and November 2, 2012, as the only records that were public. To the limited extent that additional documents existed, your request was denied pursuant to the Investigating Grand Jury Act, 42 Pa.C.S.A. §4541 et seq. and the RTKL, 65 P.S. §67.101 et seq., further noting that the modification of certain individual recipients and/or a time frame does not alter the nature of a record that has been established as a record that is precluded from disclosure as asserted in our 3/7/13 response.

OAG response dated 1/9/13, in response to your RTKL request received on 1/2/13 – requested all emails, letters, notes, transcripts, audio recordings, memorandums, contracts and agreements provided to or received from the law firm of Freeh, Sporkin & Sullivan and/or Freeh International Solutions in regard to the ‘Report of the Special Investigative Counsel Regarding the Actions of The Pennsylvania State University Related to the Child Sexual Abuse Committed by Gerald A. Sandusky.

As you may recall, your request for records related to a criminal investigation was denied pursuant to the Investigating Grand Jury Act, 42 Pa.C.S.A. §4541 et seq. and the RTKL, 65 P.S. §67.101 et seq. Furthermore, to the extent that you were seeking contracts and agreements to retain the services of the law firm of Freeh, Sporkin & Sullivan and/or Freeh International Solutions to conduct the independent investigation related to the Sandusky matter, the OAG did not hire the Freeh law firm or Freeh International Solutions and documents did not exist as agency records. 65 P.S. §67.705.

OAG response dated 3/7/13, in response to your RTKL request received on 12/12/12, denied on 12/19/12; remanded for additional review – requested letters, emails and memos that were sent and/or received between November 5, 2011, and July 12, 2012, between employees of the OAG and the following individuals: 1. Louis Freeh 2. Omar Y. McNeill 3. Ronald Tomalis 4. Kenneth C. Frazier 5. other individuals whose email addresses contain the freehgroup.com domain (i.e. [stevesmith@freehgroup.com](mailto:stevesmith@freehgroup.com))

Your request was granted in part; providing several records from June 2012 and July 2012 as the only records that were public. The remainder of your request was denied pursuant to the Investigating Grand Jury Act, 42 Pa.C.S.A. §4541 et seq. and the RTKL, 65 P.S. §67.101 et seq., stating that the modification of certain individual recipients and/or a time frame does not alter the nature of a record that has been established as a record that is precluded from disclosure.

CURRENT RESPONSE: Based on previous requests as stated above, item number 1 has been determined to be repetitive and to the extent that you have modified a time frame, only the modified portion of the time frame has been applied to the parameters for searching of responsive records as it pertains to the current request. 65 P.S. §67.506(a)(1). As a result,



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agency records for the time frame of November 1, 2011 through November 4, 2011 were searched and it has been determined that documents do not exist as agency records and we are not required to create a record. 65 P.S. §67.705. Previous denials based on the Investigating Grand Jury Act, 42 Pa.C.S.A. §4541 et seq. and the RTKL, 65 P.S. §67.101 et seq., still remain in force, again asserting that the modification of certain individual recipients and/or a time frame does not alter the nature of a record that has been established as a record that is precluded from disclosure.

2. all contracts, memorandums of understanding, engagement letters and agreements by any other nomenclature between the OAG and the Pennsylvania State University, its Board of Trustees and/or The Freeh Group that were signed between November 1, 2011, and December 31, 2013.

OAG response dated 8/14/13, in response to your RTKL request received on 7/8/13 – requested records that were sent to or received by the OAG between November 1, 2011, and July 6, 2013, to include all contracts, memorandums of understanding, engagement letters and other agreements with the Pennsylvania State University or its Board of Trustees, the law firm of Freeh, Sporkin & Sullivan and the private investigation firm Freeh International Solutions

Your request was denied pursuant to 65 P.S. §67.705; stating that the OAG had not entered into any type of agreement with the aforementioned entities and that records did not exist as records of this agency.

CURRENT RESPONSE: Based on the previous request as stated above, item number 2 has been determined to be a repetitive request and to the extent that you have modified a time frame, only the modified portion of the time frame has been applied to the parameters for searching of responsive records as it pertains to the current request. 65 P.S. §67.506(a)(1). As a result, agency records for the time frame of July 7, 2013 through December 31, 2013 were searched and it has been determined that records do not exist as agency records and we are not required to create a record. 65 P.S. §67.705.

As previously stated, the Office of Attorney General has not entered into an agreement with the aforementioned entities and therefore, records do not exist as records of this agency and we have no obligation to create any such records. This portion of your request is likewise denied pursuant to 65 P.S. §67.705.

3. all records of payments from the OAG to The Pennsylvania State University, its Board of Trustees and/or The Freeh Group between November 1, 2011, and December 31, 2013.

OAG response dated 8/14/13, in response to your RTKL request received on 7/8/13 – requested all records of monetary payments to: a. The Pennsylvania State University or

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its Board of Trustees; b. Freeh, Sporkin & Sullivan; Freeh International Solutions between November 1, 2011, and July 6, 2013

Your request was denied pursuant to 65 P.S. §67.705; stating that the OAG had not entered into any type of agreement with the aforementioned entities and that records did not exist as records of this agency.

CURRENT RESPONSE: Item number 3 has been determined to be insufficiently specific and is denied pursuant to 65 P.S. §67.703. Your request using the terms "all records of payments from the OAG" made to "Pennsylvania State University, its Board of Trustees and/or The Freeh Group" does not adequately describe a particular record, is lacking context and the OAG is precluded from narrowing a request in order to establish what records you are trying to obtain. Rather than guessing everything a request might conceivably encompass, the context of a request is a vital element in establishing specificity. *Montgomery County v. Iverson*, 50 A.3d 281 (Pa. Cmwlth. 2012). The purpose of the RTKL is for a requester to ask for a record that is clearly defined and easily identified allowing an agency to determine if the record sought is publicly available. *Pennsylvania State Police v. Office of Open Records*, 995 A.2d 515 (Pa. Cmwlth. 2010).

This part of your request has also been determined to be repetitive based on your previous request as stated above and is likewise denied pursuant to 65 P.S. §67.506(a)(1), in addition to 65 P.S. §67.705 as indicated in our 8/14/13 response.

4. all letters, memos, and e-mails sent to the OAG from The Freeh Group between November 1, 2011, and July 31, 2012 requesting information from the OAG.

OAG response dated 8/14/13, in response to your RTKL request received on 7/8/13 – requested all official requests for information from Freeh, Sporkin & Sullivan or Freeh International Solutions between November 1, 2011, and July 6, 2013

Your request was denied pursuant to 65 P.S. §67.705; stating that records did not exist as records of this agency.

OAG response dated 6/12/13, in response to your RTKL request received on 5/6/13 – requested letters, emails and memos that were sent or received July 13, 2012 through December 31, 2012, between employees of the OAG and the following individuals: 1. Louis Freeh; 2. Omar Y. McNeill; 3. Thomas Cloud of Freeh International Solutions, LLC; 4. Gregory Paw of Freeh International Solutions, LLC; 5. Employees of Freeh, Sporkin & Sullivan, LLP; 6. Employees of Freeh International Solutions, LLC; 7. other individuals whose email addresses contain the freehgroup.com domain.

Your request was granted in part; providing three (3) emails from October 31, 2012 and November 2, 2012, as the only records that were public. To the limited extent that additional documents existed, your request was denied pursuant to the Investigating Grand Jury Act, 42



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Pa.C.S.A. §4541 et seq. and the RTKL, 65 P.S. §67.101 et seq., further noting that the modification of certain individual recipients and/or a time frame does not alter the nature of a record that has been established as a record that is precluded from disclosure as asserted in our 3/7/13 response.

OAG response dated 1/9/13, in response to your RTKL request received on 1/2/13 – requested all emails, letters, notes, transcripts, audio recordings, memorandums, contracts and agreements provided to or received from the law firm of Freeh, Sporkin & Sullivan and/or Freeh International Solutions in regard to the ‘Report of the Special Investigative Counsel Regarding the Actions of The Pennsylvania State University Related to the Child Sexual Abuse Committed by Gerald A. Sandusky.

Your request for records related to a criminal investigation was denied pursuant to the Investigating Grand Jury Act, 42 Pa.C.S.A. §4541 et seq. and the RTKL, 65 P.S. §67.101 et seq. Furthermore, to the extent that you were seeking contracts and agreements to retain the services of the law firm of Freeh, Sporkin & Sullivan and/or Freeh International Solutions to conduct the independent investigation related to the Sandusky matter, the OAG did not hire the Freeh law firm or Freeh International Solutions and documents did not exist as agency records. 65 P.S. §67.705.

OAG response dated 3/7/13, in response to your RTKL request received on 12/12/12, denied on 12/19/12; remanded for additional review – requested letters, emails and memos that were sent and/or received between November 5, 2011, and July 12, 2012, between employees of the OAG and the following individuals: 1. Louis Freeh 2. Omar Y. McNeill 3. Ronald Tomalis 4. Kenneth C. Frazier 5. other individuals whose email addresses contain the freehgroup.com domain (i.e. [stevesmith@freehgroup.com](mailto:stevesmith@freehgroup.com))

Your request was granted in part; providing several records from June 2012 and July 2012 as the only records that were public. The remainder of your request was denied pursuant to the Investigating Grand Jury Act, 42 Pa.C.S.A. §4541 et seq. and the RTKL, 65 P.S. §67.101 et seq., stating that the modification of certain individual recipients and/or a time frame does not alter the nature of a record that has been established as a record that is precluded from disclosure.

CURRENT RESPONSE: Item number 4 has been determined to be insufficiently specific and is denied pursuant to 65 P.S. §67.703. Your request using the terms “all letters, memos, and e-mails sent to the OAG from The Freeh Group...requesting information from the OAG” does not adequately describe a particular record, lacking context. Likewise, the phrasing of the request lacks specificity because it is overly broad in the scope of documents sought, and is subject to multiple interpretations as to what you are asking for and the OAG is precluded from narrowing a request in order to establish what you are seeking. Rather than guessing everything a request might conceivably encompass, the context of a request is a vital element in establishing specificity. *Montgomery County v. Iverson*, 50 A.3d 281 (Pa. Cmwlth. 2012). The purpose of the RTKL is for a requester to ask for a record that is clearly defined and easily identified

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allowing an agency to determine if the record sought is publicly available. *Pennsylvania State Police v. Office of Open Records*, 995 A.2d 515 (Pa. Cmwlth. 2010).

Moreover, in order to determine what you are seeking, this agency would have to perform a considerable amount of research and analysis to locate and identify legal documents that are responsive to your request, which we have no obligation to perform in order to respond to a RTKL request. Your request lacks specificity on the additional basis that it necessitates research and analysis to ascertain what documents are being requested in addition to determining whether a particular document is responsive to the request. This portion of your request is also denied pursuant to 65 P.S. §67.703. *Askew v. Pa. Office of Governor*, 65 A.3d 989 (Pa. Cmwlth. 2013).

This part of your request has also been determined to be repetitive based on previous requests as stated above and is denied pursuant to 65 P.S. §67.506(a)(1), in addition to 65 P.S. §67.705, the Investigating Grand Jury Act, 42 Pa.C.S.A. §4541 et seq. and the RTKL, 65 P.S. §67.101 et seq., based upon prior responses.

5. any replies to requests for information as described in item no. 4 (above), and all internal correspondence concerning the fulfillment of such requests.

OAG response dated 8/14/13, in response to your RTKL request received on 7/8/13 – requested all official requests for information from Freeh, Sporkin & Sullivan or Freeh International Solutions between November 1, 2011, and July 6, 2013

Your request was denied pursuant to 65 P.S. §67.705; stating that records did not exist as records of this agency.

OAG response dated 6/12/13, in response to your RTKL request received on 5/6/13 – requested letters, emails and memos that were sent or received July 13, 2012 through December 31, 2012, between employees of the OAG and the following individuals: 1. Louis Freeh; 2. Omar Y. McNeill; 3. Thomas Cloud of Freeh International Solutions, LLC; 4. Gregory Paw of Freeh International Solutions, LLC; 5. Employees of Freeh, Sporkin & Sullivan, LLP; 6. Employees of Freeh International Solutions, LLC; 7. other individuals whose email addresses contain the freehgroup.com domain.

Your request was granted in part; providing three (3) emails from October 31, 2012 and November 2, 2012, as the only records that were public. To the limited extent that additional documents existed, your request was denied pursuant to the Investigating Grand Jury Act, 42 Pa.C.S.A. §4541 et seq. and the RTKL, 65 P.S. §67.101 et seq., further noting that the modification of certain individual recipients and/or a time frame does not alter the nature of a record that has been established as a record that is precluded from disclosure as asserted in our 3/7/13 response.



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OAG response dated 1/9/13, in response to your RTKL request received on 1/2/13 – requested all emails, letters, notes, transcripts, audio recordings, memorandums, contracts and agreements provided to or received from the law firm of Freeh, Sporkin & Sullivan and/or Freeh International Solutions in regard to the ‘Report of the Special Investigative Counsel Regarding the Actions of The Pennsylvania State University Related to the Child Sexual Abuse Committed by Gerald A. Sandusky.

Your request for records related to a criminal investigation was denied pursuant to the Investigating Grand Jury Act, 42 Pa.C.S.A. §4541 et seq. and the RTKL, 65 P.S. §67.101 et seq. Furthermore, to the extent that you were seeking contracts and agreements to retain the services of the law firm of Freeh, Sporkin & Sullivan and/or Freeh International Solutions to conduct the independent investigation related to the Sandusky matter, the OAG did not hire the Freeh law firm or Freeh International Solutions and documents did not exist as agency records. 65 P.S. §67.705.

OAG response dated 3/7/13, in response to your RTKL request received on 12/12/12, denied on 12/19/12; remanded for additional review – requested letters, emails and memos that were sent and/or received between November 5, 2011, and July 12, 2012, between employees of the OAG and the following individuals: 1. Louis Freeh 2. Omar Y. McNeill 3. Ronald Tomalis 4. Kenneth C. Frazier 5. other individuals whose email addresses contain the freehgroup.com domain (i.e. [stevesmith@freehgroup.com](mailto:stevesmith@freehgroup.com))

Your request was granted in part; providing several records from June 2012 and July 2012 as the only records that were public. The remainder of your request was denied pursuant to the Investigating Grand Jury Act, 42 Pa.C.S.A. §4541 et seq. and the RTKL, 65 P.S. §67.101 et seq., stating that the modification of certain individual recipients and/or a time frame does not alter the nature of a record that has been established as a record that is precluded from disclosure.

CURRENT RESPONSE: Item number 5 has been determined to be insufficiently specific and is denied pursuant to 65 P.S. §67.703. Your request using the terms “any replies to requests for information as described in item no. 4 (above), and all internal correspondence concerning the fulfillment of such requests” does not adequately describe a particular record, lacking context. Likewise, the phrasing of the request lacks specificity because it is overly broad in the scope of documents sought, and is subject to multiple interpretations as to what you are asking for and the OAG is precluded from narrowing a request in order to establish what you are seeking. Rather than guessing everything a request might conceivably encompass, the context of a request is a vital element in establishing specificity. *Montgomery County v. Iverson*, 50 A.3d 281 (Pa. Cmwlth. 2012). The purpose of the RTKL is for a requester to ask for a record that is clearly defined and easily identified allowing an agency to determine if the record sought is publicly available. *Pennsylvania State Police v. Office of Open Records*, 995 A.2d 515 (Pa. Cmwlth. 2010).

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Moreover, in order to determine what you are seeking, this agency would have to perform a considerable amount of research and analysis to locate and identify legal documents that are responsive to your request, which we have no obligation to perform in order to respond to a RTKL request. Your request lacks specificity on the additional basis that it necessitates research and analysis to ascertain what documents are being requested in addition to determining whether a particular document is responsive to the request. This portion of your request is also denied pursuant to 65 P.S. §67.703. *Askew v. Pa. Office of Governor*, 65 A.3d 989 (Pa. Cmwlth. 2013).

This part of your request has also been determined to be repetitive based on previous requests as stated above and is denied pursuant to 65 P.S. §67.506(a)(1), in addition to 65 P.S. §67.705, the Investigating Grand Jury Act, 42 Pa.C.S.A. §4541 et seq. and the RTKL, 65 P.S. §67.101 et seq., based upon prior responses.

Furthermore, to the extent internal correspondence exists, this portion of your request is also denied pursuant to section 708(b) of the RTKL, which states “[a] record that reflects the internal, predecisional deliberations of an agency, its members, employees or officials or predecisional deliberations between agency members, employees or officials and members, employees or officials of another agency, including predecisional deliberations relating to a...[c]ontemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations” are precluded from disclosure. 65 P.S. §67.708(b)(10)(i)(A).

6. all letters, memos, e-mails, reports and other correspondence between OAG employees and employees of the National Collegiate Athletic Association and/or the Big Ten Conference between November 1, 2011, and December 31, 2012.

OAG response dated 8/14/13, in response to your RTKL request received on 7/8/13 – requested all letters, memos, e-mails and other correspondence between OAG employees and employees of the National Collegiate Athletic Association (the “NCAA”) regarding investigations of child sexual abuse or the failure to report allegations of sexual abuse to appropriate law enforcement agencies between November 1, 2011, and July 6, 2013

Your request was denied pursuant to 65 P.S. §67.705; having determined that records did not exist as records of this agency, having no obligation to create any such records.

CURRENT RESPONSE: Item number 6 has been determined to be insufficiently specific and is denied pursuant to 65 P.S. §67.703. Your request for “all letters, memos, e-mails, reports and other correspondence between OAG employees and employees of the National Collegiate Athletic Association and/or the Big Ten Conference” does not effectively describe a particular record. Likewise, the phrasing of the request lacks specificity because it is overly broad in the scope of documents sought, lacking identified recipients and context, and is subject to multiple interpretations as to what you are asking for and the OAG is precluded from narrowing a request in order to establish what you are seeking. Rather than guessing everything a request might



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conceivably encompass, the context of a request is a vital element in establishing specificity. *Montgomery County v. Iverson*, 50 A.3d 281 (Pa. Cmwlth. 2012). The purpose of the RTKL is for a requester to ask for a record that is clearly defined and easily identified allowing an agency to determine if the record sought is publicly available. *Pennsylvania State Police v. Office of Open Records*, 995 A.2d 515 (Pa. Cmwlth. 2010).

Moreover, in order to determine what you are seeking, this agency would have to perform a considerable amount of research and analysis to locate and identify legal documents that are responsive to your request, which we have no obligation to perform in order to respond to a RTKL request. Your request lacks specificity on the additional basis that it necessitates research and analysis to ascertain what documents are being requested in addition to determining whether a particular document is responsive to the request. This portion of your request is also denied pursuant to 65 P.S. §67.703. *Askew v. Pa. Office of Governor*, 65 A.3d 989 (Pa. Cmwlth. 2013).

This part of your request has also been determined to be repetitive based on your previous request as stated above and is likewise denied pursuant to 65 P.S. §67.506(a)(1), in addition to 65 P.S. §67.705 as indicated in our 8/14/13 response.

7. all e-mails between former prosecutor Frank Fina and former supervising grand jury judge Barry Feudale sent or received between January 1, 2011, and December 31, 2012.

CURRENT RESPONSE: Item number 7 has been determined to be insufficiently specific and is denied pursuant to 65 P.S. §67.703. Your request for "all e-mails...sent or received between January 1, 2011 and December 31, 2012" does not adequately describe a particular record. The request lacks specificity because it is overly broad in the scope of documents sought, without a subject matter or specified context, and is open to multiple interpretations as to what you are asking for and the OAG is precluded from narrowing a request in order to establish what you are seeking. Rather than guessing everything a request might conceivably encompass, the context of a request is a vital element in establishing specificity. *Montgomery County v. Iverson*, 50 A.3d 281 (Pa. Cmwlth. 2012). The purpose of the RTKL is for a requester to ask for a record that is clearly defined and easily identified allowing an agency to determine if the record sought is publicly available. *Pennsylvania State Police v. Office of Open Records*, 995 A.2d 515 (Pa. Cmwlth. 2010).

Despite that item number 7 of your request has been considered insufficiently specific, making an effective search for responsive emails challenging without having a subject matter in which to focus a search, one (1) email from former supervising grand jury judge Barry Feudale to former prosecutor Frank Fina dated May 19, 2012, has been located and deemed responsive. Therefore, this part of your request is partially granted. Attached to this response is a copy of the aforementioned email wherein former supervising grand jury Judge Feudale's personal email address has been redacted as allowed pursuant to section 708(b) which states the following

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personal identification information including, but not limited to, “[a] record containing...[p]ersonal email addresses...” is precluded from disclosure. 65 P.S. §67.708(b)(6)(i)(A).

Also, the transcript attachment has not been provided, which is protected from disclosure pursuant to the Investigating Grand Jury Act, 42 Pa.C.S.A. §4541 et seq. and the RTKL, 65 P.S. §67.101 et seq. The Investigating Grand Jury Act states “[d]isclosure of matters occurring before the grand jury other than its deliberations and the vote of any juror may be made to the attorneys for the Commonwealth for use in the performance of their duties. The attorneys for the Commonwealth may with the approval of the supervising judge disclose matters occurring before the investigating grand jury including transcripts of testimony to local, State, other state or Federal law enforcement or investigating agencies to assist them in investigating crimes under their investigative jurisdiction. Otherwise a juror, attorney, interpreter, stenographer, operator of a recording device, or any typist who transcribes recorded testimony may disclose matters occurring before the grand jury only when so directed by the court. All such persons shall be sworn to secrecy, and shall be in contempt of court if they reveal any information which they are sworn to keep secret.” 42 Pa.C.S.A. §4549(b).

Equally excluded from disclosure is “[a] record of an agency relating to or resulting in a criminal investigation, including complaints of potential criminal conduct other than a private criminal complaint; investigative materials, notes, correspondence, videos and reports . . . [a] record that includes information made confidential by law or court order or . . . [a] record that, if disclosed, would . . . [r]eveal the institution, progress or result of a criminal investigation, except the filing of criminal charges . . .” 65 P.S. §67.708(b)(16)(i), (ii), (iv) and (vi)(A). *Galloway v. Office of Pennsylvania Attorney General*, 63 A.3d 485 (Pa. Cmwlth. 2013); *Pennsylvania State Police v. Office of Open Records*, 5 A.3d 473 (Pa. Cmwlth. 2010).

8. a letter sent to former attorney general Linda Kelly from John A. Askew on or about January 13, 2012 concerning Louis Freeh. This letter was carbon copied to the state police commissioner and recorded in the commissioner’s office correspondence log under #41482.

CURRENT RESPONSE: Item number 8 is denied pursuant to 65 P.S. §67.705. A search for a letter from John A. Askew to former Attorney General Linda Kelly on or about January 13, 2012 concerning Louis Freeh was conducted and we do not have record of receiving this communication. As we are unable to ascertain the location of any such letter, we cannot provide a record that, to the best of our knowledge, does not exist as a record of this agency.

9. all e-mails sent or received between January 1, 2011, and December 31, 2012, concerning the attorney general’s investigation into child sexual abuse by Jerry Sandusky that were sent to or by the following individuals who were not employed by the OAG: James Schultz, Brian Nutt, Todd



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Shamash, Steven Aichele, Jennifer Branstetter, Kathleen Duffy Bruder, Christopher Abruzzo, William Ward [and] Kevin Harley”

CURRENT RESPONSE: Item number 9 is denied pursuant to 65 P.S. §67.705. A search for documents as described above was conducted and it has been determined that emails responsive to the above-referenced request do not exist as agency records and we are not required to create a record.

**RIGHT TO APPEAL**

YOU HAVE THE RIGHT TO CHALLENGE THIS RESPONSE TO YOUR REQUEST. IN ORDER TO DO SO, YOU MUST FILE YOUR APPEAL WITH THE RIGHT TO KNOW APPEALS OFFICER, OFFICE OF ATTORNEY GENERAL WITHIN FIFTEEN (15) BUSINESS DAYS OF THE MAILING DATE OF THIS LETTER. YOUR APPEAL SHALL INCLUDE A COPY OF YOUR REQUEST, A COPY OF THIS AGENCY’S RESPONSE, STATE THE GROUNDS UPON WHICH YOU CLAIM THAT YOUR REQUEST SHOULD NOT HAVE BEEN DENIED IN PART AND SHALL ADDRESS ANY REASON STATED BY THIS AGENCY FOR PARTIALLY DENYING THE REQUEST. YOUR APPEAL MUST BE ADDRESSED TO THE FOLLOWING:

RIGHT TO KNOW APPEALS OFFICER  
OFFICE OF ATTORNEY GENERAL  
16<sup>TH</sup> FLOOR STRAWBERRY SQUARE  
HARRISBURG, PA 17120

Please note that this response is being sent from an unmonitored site. Do not reply to this email. By providing the above response to you, the Office of Attorney General has satisfied its obligation to respond under the statutory requirements of the RTKL.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. A. Mullen', with a long horizontal flourish extending to the right.

Robert A. Mullen  
Chief Deputy Attorney General  
Right to Know Officer

RAM:mlm  
SR-53877-DHKS  
Attachment