

ROCK THE CAPITAL

January 23, 2019

Pennsylvania Judicial Center
Commonwealth Court Chief Clerk's Office
Michael F. Krimmel
601 Commonwealth Avenue
Floor 2, Suite 2100
Harrisburg, PA 17106

Dear Chief Clerk Krimmel:

Enclosed please find an original and copy of Rock the Capital's filing relating to the Legislative Audit Advisory Commission ("LAAC" or the "Commission") potential violation of Pennsylvania's Sunshine Law.

Also, enclosed please find a check to the Commonwealth Court in the amount of \$70.25 for filing fees.

The Pennsylvania Sunshine Act, 65 Pa. C.S. §§ 701 – 716, requires agencies to deliberate and take official action on agency business in an open and public meeting. It requires that meetings have prior notice and that the public can attend, participate and comment before an agency takes official action.

The law defines a meeting as "any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking official action."

The LAAC took action because it *voted* on a matter. LAAC may take the position that action was taken during “executive session.” However, executive session is only appropriate under Section 708.

LAAC’s action does not appear to fall within any of the identified exceptions. Moreover, the specific reason for an Executive Session must be announced in the public meeting either before or directly after the Executive Session. (See, *Reading Eagle Co. v. Council of City of Reading*, 627 A.2d 305 (Pa. Cmwlth. 1993).

Respectfully submitted,

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cc:

Chairman, Legislative Audit Advisory Commission
Hon. Mark K. Keller
108 Ryan Building
Harrisburg, PA 17120-2086

Speaker of the House of Representative
Hon. Mike Turzai
139 Main Capitol
Harrisburg, PA 17120-2028

Majority Leader,
Hon. Bryan Cutler
110 Main Capitol Building
Harrisburg, PA 17120-2100