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**NOTICE TO PLEAD**

You are hereby notified to file a written response to the within Preliminary Objections within twenty (20) days from service hereof or a judgment may be entered against you.

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Barbara Hench., et al.,	:	
	:	
Plaintiffs	:	Civil Action – Declaratory Judgment
	:	
v.	:	Docket No. 2014-454
	:	
Perry County Sheriff Carl Nace	:	
Defendant	:	

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**PRELIMINARY OBJECTIONS OF DEFENDANT  
TO PLAINTIFFS’ COMPLAINT**

Defendant Perry County Sheriff Carl Nace, hereinafter “Defendant Sheriff Nace,” by and through his counsel, Attorney Joshua Prince, file the following Preliminary Objections to Plaintiffs Barbara Hench, Donna Jones and Kimberly McMullen’s Complaint. Defendant objects to the Plaintiffs’ Complaint and respectfully requests that this Honorable Court dismiss all Counts of Plaintiffs’ Complaint against Defendant Sheriff Nace for the reasons that follow:

**Parties**

1. The Plaintiffs are Barbara Hench, Donna Jones and Kimberly McMullen, hereinafter “Plaintiffs,” who are the current Auditors for Perry County.<sup>1</sup>

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<sup>1</sup> Defendant Sheriff Nace does not admit that Plaintiffs are acting in their official capacity as Auditors of Perry County in relation to this Complaint. In fact, Defendant Sheriff Nace specifically denies that Plaintiffs are acting in their official capacity, as they have failed to state a cause of action for which relief can be granted and are requesting that Defendant Sheriff Nace commit a crime in the Commonwealth of Pennsylvania, both of which are outside their scope as the Auditors of Perry County.

2. Defendant Sheriff Nace is the current elected Sheriff of Perry County and has been the Sheriff of Perry County since 2002.

### **Background**

3. Contrary to averments P. 18 and 19 in the Complaint, Defendant Sheriff Nace in his twelve years of being Sheriff of Perry County has never provided the Perry County Auditors with unredacted records containing LTCF applicant information.
4. In April of 2014, the Plaintiffs requested Defendant Sheriff Nace's LTCF applicant financial records.
5. Defendant Sheriff Nace prepared the financial records by redacting the names and other confidential LTCF applicant information, per 18 Pa.C.S. § 6111(i), and offered them to the Plaintiffs.
6. Plaintiffs refused to accept the redacted records.
7. On June 11, 2014, the Plaintiffs, acting through their attorneys, filed a Complaint against Defendant Sheriff Nace. *See*, Exhibit A.
8. In the Complaint, the Plaintiffs seek declaratory relief that Defendant Sheriff Nace is required to provide them with unredacted confidential license to carry firearms, hereinafter "LTCF," applicant information to carry out their statutory duties, pursuant to 16 P.S. §§ 1721, 1724.
9. Plaintiffs claim, without any legal authority or explanation as to how the redacted information hampers or otherwise restricts their ability to audit the financial records, that they are entitled to unredacted LTCF applicant information, in violation of 18 Pa.C.S. §§ 6109(l)(2), 6111(g)(3.1), 6111(i) and 37 Pa.Code 33.103.

10. The Perry County Commissioners hired Robert W. Morris & Company P.C., a Perry County Certified Public Accountant firm, to conduct an audit of Defendant Sheriff Nace's LTCF applicant financial records. *See*, Exhibit B, Sworn Affidavit of Robert Morris, III.
11. Robert W. Morris & Company P.C. was able to perfect an audit utilizing Defendant Sheriff Nace's redacted LTCF applicant financial records. *Id.*

### **Statutory and Regulatory Law**

12. In general, 18 Pa.C.S. § 6109 deals with the issuance of LTCFs.
13. 18 Pa.C.S. § 6109(l)(2) provides:

Notwithstanding any other law regarding the confidentiality of information, inquiries to the Firearms License Validation System regarding the validity of any Pennsylvania license to carry a firearm may only be made by law enforcement personnel acting within the scope of their official duties.<sup>2</sup> (Emphasis added).

14. 18 Pa.C.S. § 6111(g)(3.1) provides:

Any person, licensed dealer, licensed manufacturer or licensed importer who knowingly and intentionally obtains or furnishes information collected or maintained pursuant to section 6109 for any purpose other than compliance with this chapter or who knowingly or intentionally disseminates, publishes or otherwise makes available such information to any person other than the subject of the information commits a felony of the third degree. (Emphasis added).

15. 18 Pa.C.S. § 6111(i) provides:

**Confidentiality.** All information provided by the ... applicant, including, but not limited to, the ... applicant's name or identity, furnished by ... any applicant for a license to carry a firearm as provided by section 6109 shall be confidential and not subject to public disclosure. In addition to any other sanction or penalty imposed by this chapter, any person, licensed

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<sup>2</sup> "Law Enforcement Officer" is defined as "Any person employed by any police department or organization of the Commonwealth or political subdivision thereof who is empowered to effect an arrest with or without warrant and who is authorized to carry a firearm in the performance of that person's duties."

dealer, State or local governmental agency or department that violates this subsection shall be liable in civil damages in the amount of \$1,000 per occurrence or three times the actual damages incurred as a result of the violation, whichever is greater, as well as reasonable attorney fees.  
(Emphasis added).

16. 37 Pa.Code. 33.103 provides:<sup>3</sup>

- (a) Information furnished under this chapter by an applicant ... or collected by the designated issuing authority under this chapter, is confidential and not subject to public disclosure.
- (b) No disclosure of information forwarded, collected or maintained under this chapter will be made to requests of noncriminal justice agencies,<sup>4</sup> or individuals other than the applicant, licensee, purchaser or transferee as described in sections 6109 and 6111 of the act.

### **Preliminary Objections**

Scandalous Matter – Pa.R.C.P. 1028(a)(2)

17. The foregoing paragraphs are incorporated as if set forth in full.

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<sup>3</sup> The Congress has bestowed the power upon the Pennsylvania State Police to regulate PA's Uniform Firearms Act, hereinafter "UFA."

"The Pennsylvania State Police shall in the manner provided by law promulgate the rules and regulations necessary to carry out this chapter, including regulations to ensure the identity, confidentiality and security of all records and data provided pursuant hereto." 18 Pa.C.S. § 6111.5. Further, 18 Pa.C.S. § 6124 provides that the Commissioner of the PSP "may establish form specifications and regulations, consistent with section 6109(c) (relating to licenses)..."

<sup>4</sup> "Criminal justice agencies" are defined as "as any court, including the minor judiciary, with criminal jurisdiction or any other governmental agency, or subunit thereof, created by statute or by the State or Federal constitutions, specifically authorized to perform as its principal function the administration of criminal justice, and which allocates a substantial portion of its annual budget to this function. Criminal justice agencies include: organized State and municipal police departments, local detention facilities, county, regional and State correctional facilities, probation agencies, district or prosecuting attorneys, parole boards, pardon boards and agencies or subunits thereof, as are declared by the Attorney General to be criminal justice agencies as determined by a review of applicable statutes and the State and Federal Constitutions, or both." 37 Pa.Code 33.103

18. Pa.R.C.P. 1028(a)(2) provides “failure of a pleading to conform to law or rule of court or inclusion of scandalous or impertinent matter” as a basis for preliminary objections.
19. In this matter, Plaintiffs seek to have Defendant Sheriff Nace provide confidential LTCF applicant information, which would result in a 3<sup>rd</sup> degree felony, per 18 Pa.C.S. § 6111(g)(3.1), and civil damages, per 18 Pa.C.S. § 6111(i).
20. Plaintiffs have failed to aver that they are authorized under the UFA as a “law enforcement officer,” as defined in 18 Pa.C.S. § 6102. *See*, Fn 2.
21. In April of 2013, Northampton County Sheriff’s Deputy Darin Steward was charged pursuant to 18 Pa.C.S. § 6111(g)(3.1), docket no. CP-48-CR-0001847-2013, for releasing confidential LTCF applicant information. *See*, Exhibit C.
22. Therefore, the mere filing of this Complaint is scandalous and prohibited by Pa.R.C.P. 1028(a)(2).
23. Furthermore, averments P 18 and 19 in the Complaint are violative of Pa.R.C.P. 1028(a)(2), as Defendant Sheriff Nace has never provided confidential LTCF applicant information to the Plaintiffs or their predecessors.
24. Therefore, at a minimum, averments P 18 and 19 in the Complaint are violative of Pa.R.C.P. 1028(a)(2).

Insufficient Specificity in Pleading – Pa.R.C.P. 1028(a)(3)

25. The foregoing paragraphs are incorporated as if set forth in full.
26. Pa.R.C.P. 1028(a)(3) provides “insufficient specificity in the pleading” as a basis for preliminary objections.

27. Plaintiffs have failed to aver that they are authorized under the UFA as a “law enforcement officer,” as defined in 18 Pa.C.S. § 6102. *See*, Fn 2.
28. Plaintiffs have failed to aver any statute, regulation or case law for their proposition that they are entitled to confidential LTCF applicant information.
29. Plaintiffs have failed to aver how the redacted LTCF applicant financial records offered by Defendant Sheriff Nace have hampered, impeded or otherwise restricted their ability to conduct or perform their audit, pursuant to 16 P.S. §§ 1721, 1724.
30. Plaintiffs are unable to aver how the redacted LTCF applicant financial records are insufficient, as Robert W. Morris & Company P.C. performed and perfected an audit utilizing the redacted LTCF applicant financial records without issue or difficulty. *See*, Exhibit B.
31. Therefore, Plaintiffs have failed to allege any direct and immediate harm sufficient to confer standing pursuant to 42 Pa.C.S. 7533.

Demurrer – Pa.R.C.P. 1028(a)(4)

32. The foregoing paragraphs are incorporated as if set forth in full.
33. Pa.R.C.P. 1028(a)(4) provides “legal insufficiency of a pleading (demurrer)” as a basis for preliminary objections.
34. Plaintiffs have failed to aver that they are authorized under the UFA as a “law enforcement officer,” as defined in 18 Pa.C.S. § 6102. *See*, Fn 2.
35. Plaintiffs have failed to aver any statute, regulation or case law for their proposition that they are entitled to confidential LTCF applicant information.

36. Plaintiffs are unable to aver any statute, regulation or case law for their proposition that they are entitled to confidential LTCF applicant information, as no such statute, regulation or case law exists; however, 18 Pa.C.S. §§ 6109(1)(2), 6111(g)(3.1), 6111(i) and 37 Pa.Code 33.103 specifically preclude dissemination of LTCF applicant information.
37. Plaintiffs have failed to allege any direct and immediate harm sufficient to confer standing pursuant to 42 Pa.C.S. 7533.
38. Plaintiffs have failed to show a direct, substantial and present interest, as Robert W. Morris & Company P.C. performed and perfected an audit utilizing the redacted LTCF applicant financial records without issue or difficulty. Buehl v. Beard, 54 A.3d 412, 419 (Pa. Commw. Ct. 2012) aff'd, 91 A.3d 100 (Pa. 2014). *See*, Exhibit B.

Lack of Capacity to Sue – Pa.R.C.P. 1028(a)(5)

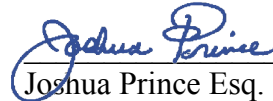
39. The foregoing paragraphs are incorporated as if set forth in full.
40. Plaintiffs have failed to allege any direct and immediate harm sufficient to confer standing pursuant to 42 Pa.C.S. 7533.
41. Plaintiffs have failed to show a direct, substantial and present interest, as Robert W. Morris & Company P.C. performed and perfected an audit utilizing the redacted LTCF applicant financial records without issue or difficulty. Buehl v. Beard, 54 A.3d 412, 419 (Pa. Commw. Ct. 2012) aff'd, 91 A.3d 100 (Pa. 2014). *See*, Exhibit B.

Full, Complete and Adequate Non-Statutory Remedy at Law – Pa.R.C.P.  
1028(a)(8)

42. The foregoing paragraphs are incorporated as if set forth in full.
43. Plaintiffs have failed to aver how the redacted LTCF applicant financial records offered by Defendant Sheriff Nace have hampered, impeded or otherwise restricted their ability to conduct or perform their audit, pursuant to 16 P.S. §§ 1721, 1724.
44. Plaintiffs are unable to aver how the redacted LTCF applicant financial records are insufficient, as Robert W. Morris & Company P.C. performed and perfected an audit utilizing the redacted LTCF applicant financial records without issue or difficulty. *See*, Exhibit B.
45. Therefore, Plaintiff's full, complete and adequate non-statutory remedy at law is to perfect the audit utilizing the redacted information offered by Sheriff Nace.

**WHEREFORE**, for all of the foregoing reasons Defendant Sheriff Nace moves this Honorable Court to dismiss Plaintiffs' Complaint with prejudice.

Respectfully Submitted,

  
\_\_\_\_\_  
Joshua Prince Esq.  
Prince Law Offices, P.C.  
Pa Atty ID No. 306521  
646 Lenape Rd  
Bechtelsville, PA 19505  
610-845-3803 ext 81114  
610-845-3903 (fax)  
[Joshua@PrinceLaw.com](mailto:Joshua@PrinceLaw.com)

**Verification**

I, Sheriff Carl Nace, verify that I am the Defendant named in the foregoing and that all the information contained therein is true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

7/7/14  
Date

  
Sheriff Carl Nace

# **EXHIBIT A**

**NAUMAN, SMITH, SHISSLER & HALL, LLP**

By: Craig J. Staudenmaier, Esquire

Attorney I.D. No. 34996

[cjstaud@nssh.com](mailto:cjstaud@nssh.com)

Joshua D. Bonn, Esquire

Attorney I.D. No. 93967

[jbonn@nssh.com](mailto:jbonn@nssh.com)

200 North Third Street, 18<sup>th</sup> Floor

P. O. Box 840

Harrisburg, PA 17108-0840

T: (717) 236-3010/F: (717) 234-1925

ADMITTED TO RECORD

2014 JUN 11 AM 11:33

PROTHONOTARY'S OFFICE  
PERRY COUNTY

Attorneys for Plaintiffs, Barbara  
Hench, Donna Jones and Kimberly  
McMullen, in their official  
Capacity as Auditors of Perry  
County, Pennsylvania

Barbara Hench, Donna Jones and  
Kimberly McMullen, duly elected,  
Auditors of Perry County, Pennsylvania,  
Plaintiffs

vs.

Carl Nace, Sheriff of Perry County,  
Defendant

: IN THE COURT OF COMMON PLEAS  
: OF THE 41<sup>st</sup> JUDICIAL DISTRICT OF  
: PENNSYLVANIA PERRY COUNTY BRANCH

: NO.: 2014-454

: CIVIL ACTION - LAW

**COMPLAINT**

**INTRODUCTION**

1. Plaintiffs, duly appointed auditors of Perry County ("Auditors"), seek a declaration of rights, status, and other legal relations between themselves and the Defendant, the Sheriff of Perry County ("Sheriff"), under certain provisions of the County Code and the Uniform Firearms Act, specifically, whether the Sheriff is required to provide the Auditors with access to the complete, original unredacted documents in which the Sheriff records the receipt and disbursement of the application fees paid by applicants for licenses to carry concealed firearms, for the sole purpose of performing the Auditors' statutory duties to audit, settle and

adjust the accounts of county officers, and to audit, settle and adjust the accounts of officers in the county receiving money for use by the Commonwealth.

### **PARTIES**

2. Barbara Hench is a duly elected Auditor for Perry County, having been sworn into office initially in January, 2008, and subsequently re-elected and sworn into office in January, 2012.

3. Donna Jones is a duly elected Auditor for Perry County, having been sworn into office initially in January, 2008, and subsequently re-elected and sworn into office in January, 2012.

4. Kimberly McMullen is a duly appointed Auditor for Perry County having been appointed and sworn into office in November, 2013.

5. Carl Nace is currently the duly elected Sheriff of Perry County.

### **BACKGROUND**

6. Plaintiffs are required to audit, settle and adjust the accounts of all county officers of the county and to make an annual report thereof, on or before the first day of the following July, to the court of common pleas and the Department of Community and Economic Development. 16 P.S. § 1721(a) and (c). The report must be in detail, showing distinctly and separately all receipts and expenditures of the several offices, and all debts and accounts due, and the amount raised from each source of revenue, and the expenditures in detail and classified by reference to the object thereof, together with a full statement of the financial conditions of the county, and a statement of the balance due from or to such county officers. Id.

7. The Auditors are further required to audit, settle and adjust the accounts of officers in the county receiving money for use by the Commonwealth. 16 P.S. § 1724.
8. The Sheriff is required to issue licenses to carry concealed firearms to individuals 21 years of age or older, as long as it appears that the applicant is an individual concerning whom no good cause exists to deny a license. 18 Pa.C.S. § 6109(b) and (e).
9. The Sheriff collects a twenty dollar (\$20.00) application fee from each individual who applies for a license to carry a concealed firearm.
10. If the Sheriff grants an application for a license to carry a concealed firearm, he distributes nineteen dollars (\$19.00) from the application fee to Perry County, and one dollar (\$1.00) from the application fee to the Treasury of the Commonwealth of Pennsylvania.
11. If the Sheriff denies an application for a license to carry a concealed firearm, he refunds fifteen dollars (\$15.00) to the applicant.
12. An applicant for a license to carry a concealed firearm must complete the uniform Application for a Pennsylvania License to Carry Firearms. See 18 Pa.C.S. § 6109(c). The applicant must provide information including his or her name, address, date of birth, employer, and other demographic information.
13. The Sheriff maintains the information obtained from applicants for licenses to carry firearms, including a record of the receipt and disbursement of the application fee, in a ledger book or similar record for recording such receipts.
14. This ledger book or record of the Sheriff is the only source of information for the receipt of payments of the required fees by citizens applying for such licenses. No other county official has or maintains these records.

15. Other than the Auditors, there is no other individual, official, or agency that audits or otherwise reviews the accounts of the Sheriff under the County Code.

**Count I**  
**Declaratory Judgment Pursuant to 42 Pa.C.S.A. § 7533**

16. Paragraphs 1-15 are incorporated herein by reference.

17. The Auditors cannot perform their statutory duties under 16 P.S. §§ 1721(a) and 1724 to audit the Sheriff's receipt and disbursement of the application fees for licenses to carry firearms unless the Auditors review the original, unredacted records where the Sheriff records the receipt and disbursement of such fees.

18. Prior to year 2013, the Sheriff provided the Auditors with access to these original, unredacted records so that the Auditors could conduct the audits as required by 16 P.S. §§ 1721(a) and 1724.

19. On prior occasions when the Auditors would review these records of the Sheriff for the sole purpose of conducting their statutory duties, they would review the records and then return them to the Sheriff.

20. The Auditors neither made copies nor any duplicates of the Sheriff records reviewed nor kept any of said records nor made any disclosure, public or private, of the records reviewed to any other person or agency.

21. The Auditors have requested that the Sheriff provide them with access to the necessary records for the purpose of conducting the statutorily mandated audits for year 2013 as required by 16 P.S. §§ 1721(a) and 1724.

22. Despite repeated requests, the Sheriff has refused to provide the Auditors with access to the necessary records.

23. The Sheriff has insisted that certain provisions of the Uniform Firearms Act, specifically 18 Pa.C.S.A. §§ 6109(1)(2)<sup>1</sup> and 6111(i)<sup>2</sup>, prevent him from providing the Auditors with access to the complete, unredacted records needed for the audit.

24. In particular, the Sheriff contends that providing his office's records which contain, inter alia, the names and addresses of applicants is forbidden by 18 Pa. C.S. §6111(i) as disclosure to the "public." The Sheriff also contends such a disclosure is prohibited by 18 Pa. C.S. §6109(1)(2).

25. The Auditors contend that 18 Pa.C.S.A. §§ 6109 and 6111 do not prevent the Sheriff from providing the Auditors with access to the original, unredacted records required for their audit where the Sheriff records the receipt and disbursement of application fees for licenses to carry concealed firearms which involve receipt of funds received by a "county officer" and accountable to both the County and the Commonwealth.

26. The Auditors are not members of the "public" but are rather duly elected/appointed public officials that are statutorily required to review these complete and unredacted records in order to carry out their duties under 16 P.S. §§ 1721(a) and 1724.

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<sup>1</sup> 18 Pa.C.S.A. § 6109(1)(2) provides "[n]otwithstanding any other law regarding the confidentiality of information, inquiries to the Firearms License Validation System regarding the validity of any Pennsylvania license to carry a firearm may only be made by law enforcement personnel acting within the scope of their official duties."

<sup>2</sup> 18 Pa.C.S.A. § 6111(i) provides, "[a]ll information provided by the potential purchaser, transferee or applicant, including, but not limited to, the potential purchaser, transferee or applicant's name or identity, furnished by a potential purchaser or transferee under this section or any applicant for a license to carry a firearm as provided by section 6109 shall be confidential and not subject to public disclosure."

27. The Auditors need to review the Sheriff's original, unredacted records to ensure the accuracy of the information in the audit reports that they prepare annually.

28. Although the Auditors do not suspect any misfeasance by the Sheriff, the Auditors believe and therefore aver that the failure to inspect the original, unredacted ledger is a violation of their statutory duty to the taxpayer of Perry County and the Commonwealth. In addition, the inability to audit these records weakens the internal controls endorsed by generally acceptable accounting practices and required by statute.


29. The Declaratory Judgment Act provides "[a]ny ... whose rights, status, or other legal relations are affected by a statute ... may have determined any question of construction or validity arising under the ... statute ..., and obtain a declaration of rights, status, or other legal relations thereunder. 42 Pa.C.S.A. § 7533.

30. An actual controversy of justiciable nature exists between the parties that involve their rights, status, or other legal relations under 16 P.S. §§ 1721(a) and 1724, and 18 Pa.C.S.A. §§ 6109(l)(2) and 6111(i).

WHEREFORE, the Plaintiffs, Barbara Hench, Donna Jones and Kimberly McMullen, respectfully request declaratory judgment be entered in their favor and against Carl Nace, Sheriff of Perry County, Defendant, declaring that the Sheriff must provide the Plaintiffs with access to any and all original and unredacted records in which the Sheriff records the receipt and

disbursement of the application fees paid by applicants for licenses to carry concealed firearms, for the sole purpose of performing the Auditors' statutory duties to audit, settle and adjust the accounts of county officers, and to audit, settle and adjust the accounts of officers in the county receiving money for use by the Commonwealth.

**NAUMAN, SMITH, SHISSLER & HALL, LLP**

By:   
**Craig J. Staudenmaier, Esquire**  
Supreme Court ID #34996

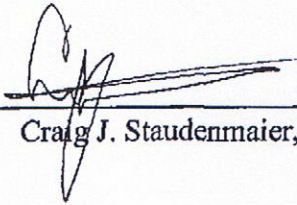
**Joshua D. Bonn, Esquire**  
Supreme Court ID#93967

200 North Third Street, 18<sup>th</sup> Floor  
P. O. Box 840  
Harrisburg, PA 17108-0840  
Phone: 717-236-3010  
Fax: 717-234-1925  
Attorneys for Plaintiffs, Barbara Hench, Donna  
Jones and Kimberly McMullen

Date: June 9, 2014

**VERIFICATION**

I, **Craig J. Staudenmaier**, a member of the firm of Nauman, Smith, Shissler & Hall, LLP, attorneys for Barbara Hench, Donna Jones and Kimberly McMullen, in their official capacity as Auditors of Perry County, Pennsylvania, in the foregoing proceeding, make this verification on behalf of the Auditors and do state that as attorney for the Auditors, I am authorized to make this Verification on behalf of the Auditors, and further state that, based on information provided to me by the Auditors, the facts set forth in the foregoing **Complaint** are true and correct to the best of my knowledge, information and belief. I understand that my statements are made subject to 18 Pa. C.S. § 4904 providing for criminal penalties for unsworn falsification to authorities.



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Craig J. Staudenmaier, Esquire

Date: June 9, 2014

## **EXHIBIT B**

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Barbara Hench., et al.,	:	
Plaintiffs	:	Civil Action – Declaratory Judgment
	:	
v.	:	Docket No. 2014-454
	:	
Perry County Sheriff Carl Nace	:	
Defendant	:	

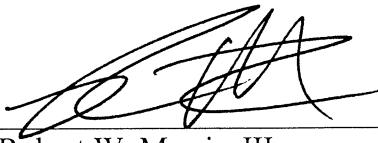
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**SWORN AFFIDAVIT OF ROBERT W. MORRIS III**

I, Robert W. Morris, III, of Robert W. Morris & Company, P.C., located at 19 E Main Street, P.O. Box 68, New Bloomfield, PA 17068, being duly sworn, pursuant 18 Pa.C.S. § 4903, hereby swear and affirm the following:

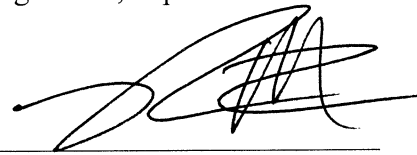
1. I am an active Certified Public Accountant (CPA) and registered with the Pennsylvania State Board of Accountancy.
2. My CPA number, issued by the Commonwealth of Pennsylvania, is CA041418L.
3. I first registered with the Pennsylvania State Board of Accountancy on April 21, 2000.
4. I last renewed my registration on December 31, 2013.
5. My registration will expire on December 31, 2015, if not renewed.
6. In June of 2014, Robert W. Morris & Company, P.C. was retained by the Perry County Commissioners to perform agreed upon procedures intended to verify the completeness, existence, and accuracy of Perry County Sheriff's Department's revenue for the Pennsylvania licenses to carry program in accordance with the cash basis of accounting.
7. I was assigned to oversee this agreed upon procedure engagement.
8. Sheriff Nace provided the financial records to my office, absent names or addresses, for the agreed upon procedures.
9. My office completed the agreed upon procedures on Monday July 14, 2014.
10. We were able to satisfactorily perform the procedures enumerated in our letter to the Perry County Commissioners dated July 14, 2014 without difficulty or issue in the absence of the names or addresses.

11. As a CPA with over fourteen (14) years experience auditing financial records and affairs, I can state that the names and addresses were not and are not necessary to perform the above procedures.

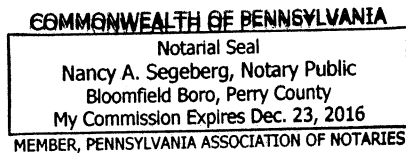
  
Robert W. Morris, III,


COMMONWEALTH OF PENNSYLVANIA :  
: SS:  
COUNTY OF PERRY :

Before me, the undersigned Notary Public, this day, personally appeared Robert W. Morris, III, to me known, who being duly sworn according to law, deposes the above affidavit.

  
Robert W. Morris, III,

Subscribed and affirmed to before me this 14<sup>th</sup>, day of July, 2014, by Robert W. Morris, III.



  
Notary Public

# **EXHIBIT C**

# COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

## DOCKET



Docket Number: CP-48-CR-0001847-2013

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Darin Ray Steward

Page 1 of 6

### CASE INFORMATION

Judge Assigned: McFadden, F.P. Kimberly

Date Filed: 06/04/2013

Initiation Date: 04/18/2013

OTN: T 316532-6

LOTN:

Originating Docket No: MJ-03205-CR-0000122-2013

Initial Issuing Authority: Elizabeth A. Romig

Final Issuing Authority:

Arresting Agency: Northampton County Detective

Arresting Officer: Walsh, Gerard Francis

Complaint/Incident #: NCD1319

Case Local Number Type(s)

Case Local Number(s)

### STATUS INFORMATION

<u>Case Status:</u>	<u>Status Date</u>	<u>Processing Status</u>	<u>Complaint Date:</u>
Closed	10/07/2013	Completed	04/18/2013
	10/07/2013	Awaiting Post Sentence Motion Hearing	
	09/25/2013	Awaiting ARD Completion	
	09/25/2013	Awaiting Completion of ARD Program	
	07/23/2013	Awaiting Trial	
	06/06/2013	Awaiting Formal Arraignment	
	06/04/2013	Awaiting Filing of Information	

### CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Formal Arraignment	07/23/2013	1:00 pm	Courtroom 1		Scheduled
Criminal Court	09/11/2013	9:00 am	Courtroom 1		Continued
ARD Court	09/25/2013	8:31 am	Courtroom 5		Scheduled
Criminal Court	01/06/2014	9:00 am	Courtroom 1		Cancelled
Hearing	04/04/2014	9:00 am	Courtroom 1		Scheduled

### DEFENDANT INFORMATION

Date Of Birth: 08/06/1967 City/State/Zip: Nazareth, PA 18064

Alias Name

Steward, Darin

### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Steward, Darin Ray

# COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

## DOCKET



Docket Number: CP-48-CR-0001847-2013

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Darin Ray Steward

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### BAIL INFORMATION

Steward, Darin Ray

Nebbia Status: None

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Set	04/18/2013	ROR		\$0.00		

### CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1	F3	18 § 6111 §§G3.1	Any who illegally disseminates information	03/10/2013	T 316532-6
2	2	M2	18 § 5101	Obstruct Admin Law/Other Govt Func	03/10/2013	T 316532-6

### DISPOSITION SENTENCING/PENALTIES

#### Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u> <u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>
<u>Sentence Conditions</u>		

#### **Waived for Court (Lower Court)**

Defendant Was Present

Lower Court Disposition	05/29/2013	Not Final
1 / Any who illegally disseminates information	Waived for Court (Lower Court)	F3 18 § 6111 §§ G3.1
2 / Obstruct Admin Law/Other Govt Func	Waived for Court (Lower Court)	M2 18 § 5101

#### **Proceed to Court**

Defendant Was Not Present

Information Filed	07/15/2013	Not Final
1 / Any who illegally disseminates information	Held for Court	F3 18 § 6111 §§ G3.1
2 / Obstruct Admin Law/Other Govt Func	Held for Court	M2 18 § 5101

#### **ARD - County Open**

ARD Court	09/25/2013	Not Final
1 / Any who illegally disseminates information	ARD - County	F3 18 § 6111 §§ G3.1
McFadden, F.P. Kimberly	09/25/2013	
ARD	12.00 Months	09/25/2013
2 / Obstruct Admin Law/Other Govt Func	ARD - County	M2 18 § 5101
McFadden, F.P. Kimberly	09/25/2013	
ARD	12.00 Months	09/25/2013

# COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

## DOCKET



Docket Number: CP-48-CR-0001847-2013

## CRIMINAL DOCKET

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### COMMONWEALTH INFORMATION

Name: James Anthony Augustine III  
District Attorney  
Supreme Court No: 203814  
Phone Number(s):  
610-559-3022 (Phone)  
Address:  
Northampton County District Attorney's Office  
669 Washington Street  
Easton, PA 18042

### ATTORNEY INFORMATION

Name: Victor Emmanuel Scornillio \*  
Private  
Supreme Court No: 080727  
Rep. Status: Lower Court  
Phone Number(s):  
610-867-5023 (Phone)  
Address:  
Boyer Holzinger & Harak  
PO Box 1409  
Bethlehem, PA 18016-1409  
Representing: Steward, Darin Ray  
\* Entry of Appearance Not Filed

### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	04/18/2013		Romig, Elizabeth A.
Bail Set - Steward, Darin Ray			
1	06/04/2013		Court of Common Pleas - Northampton County
Original Papers Received from Lower Court			
1	06/06/2013		Criminal Division - Northampton
Formal Arraignment Scheduled 07/23/2013 1:00PM			
1	06/13/2013		Northampton County District Attorney's Office
Criminal Court Scheduled 09/11/2013 9:00AM			
1	06/18/2013		Northampton County District Attorney's Office
Criminal Court Scheduled 01/06/2014 9:00AM			
2	06/18/2013		Steward, Darin Ray
Waiver of PA.R.Crim.P.600 & Application for Continuance			
1	07/15/2013		Commonwealth of Pennsylvania
Information Filed			
1	07/23/2013		Court of Common Pleas - Northampton County
Arraigned			

# COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

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### ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	09/18/2013		Northampton County District Attorney's Office
ARD Court Scheduled 09/25/2013 8:31AM			
1	09/25/2013		Court of Common Pleas - Northampton County
Assigned to Judge: McFadden, F.P. Kimberly			
2	09/25/2013		McFadden, F.P. Kimberly
Order Granting Motion to Admit Defendant into ARD Program			
3	09/25/2013		McFadden, F.P. Kimberly
ARD Penalties Imposed			
1	10/07/2013		Scomillio, Victor Emmanuel
Post-Sentence Motion			
2	10/07/2013		Beltrami, Anthony S.
Order Granting Post-Sentence Motion			
AND NOW, this 7th day of October 2013, it is hereby ORDERED and DECREED as follows:			
1. Defendant is permitted to possess, use, maintain and own firearms, weapons and ammunition solely for the purposes of employment as a police officer;			
2. Defendant is not permitted to carry, possess or maintain a weapon or ammunition outside of work as a police officer;			
3. Defendant shall not be permitted to possess, own or maintain a weapon or ammunition when not on duty as a police officer.			
BY THE COURT: Anthony Beltrami, J.			
Commonwealth of Pennsylvania			
10/07/2013 Interoffice			
Scomillio, Victor Emmanuel			
10/07/2013 Hand Delivered			
1	10/11/2013		Northampton County Clerk of Courts
Criminal Court Cancelled			
1	03/24/2014		Scomillio, Victor Emmanuel
Petition for Completion of ARD/ARD Review			

# COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

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## ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	03/25/2014		Court of Common Pleas - Northampton County
Hearing Scheduled 04/04/2014 9:00AM Petition for Completion of ARD/ARD Review			
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1	04/29/2014		McFadden, F.P. Kimberly
Order Granting Petition for Early Release From ARD			
AND NOW, this 29th day of April, 2014, upon review of the request for completion of ARD, it is hereby ORDERED and DECREED that, as defendant has completed all supervision requirements, and the early termination is not opposed by the District Attorney's Office or the ARD supervisor, Darin Steward may be removed from supervision for this ARD on or about July 1, 2014.			
By the Court:			
F. P. Kimberly McFadden, J.			
Augustine, James Anthony III			
04/29/2014 Interoffice			
Northampton County Adult Probation			
04/29/2014 Fax			
Scomillio, Victor Emmanuel			
04/29/2014 Interoffice			
Steward, Darin Ray			
04/29/2014 First Class			
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# COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY

## DOCKET

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### CASE FINANCIAL INFORMATION

Last Payment Date: 03/17/2014

Total of Last Payment: -\$542.00

<b>Steward, Darin Ray</b> Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary</u> <u>Payments</u>	<u>Total</u>
<b>Costs/Fees</b>					
ATJ	\$3.00	-\$3.00	\$0.00	\$0.00	\$0.00
Automation Fee (Northampton)	\$5.00	-\$5.00	\$0.00	\$0.00	\$0.00
CJES	\$2.25	-\$2.25	\$0.00	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$19.70	-\$19.70	\$0.00	\$0.00	\$0.00
Costs of Prosecution - CJEA	\$50.00	-\$50.00	\$0.00	\$0.00	\$0.00
County Court Cost (Act 204 of 1976)	\$28.70	-\$28.70	\$0.00	\$0.00	\$0.00
Crime Victims Compensation (Act 96 of 1984)	\$35.00	-\$35.00	\$0.00	\$0.00	\$0.00
District Attorney (NP, Sum, ARD) (Northampton)	\$5.00	-\$5.00	\$0.00	\$0.00	\$0.00
Firearm Education and Training Fund	\$5.00	-\$5.00	\$0.00	\$0.00	\$0.00
JCPS	\$10.25	-\$10.25	\$0.00	\$0.00	\$0.00
Judicial Computer Project	\$8.00	-\$8.00	\$0.00	\$0.00	\$0.00
Postage (Northampton)	\$2.00	-\$2.00	\$0.00	\$0.00	\$0.00
State Court Costs (Act 204 of 1976)	\$13.10	-\$13.10	\$0.00	\$0.00	\$0.00
Victim Witness Service (Act 111 of 1998)	\$25.00	-\$25.00	\$0.00	\$0.00	\$0.00
ARD Service Charge (Nominal) (Northampton)	\$150.00	-\$150.00	\$0.00	\$0.00	\$0.00
Charges - ARD (Northampton)	\$120.00	-\$120.00	\$0.00	\$0.00	\$0.00
Central Booking Fee (Northampton)	\$200.00	-\$200.00	\$0.00	\$0.00	\$0.00
OSP (Northampton/State) (Act 31 of 1997)	\$180.00	-\$180.00	\$0.00	\$0.00	\$0.00
OSP (Northampton/State) (Act 31 of 1997)	\$180.00	-\$180.00	\$0.00	\$0.00	\$0.00
Costs/Fees Totals:	\$1,042.00	-\$1,042.00	\$0.00	\$0.00	\$0.00
Grand Totals:	\$1,042.00	-\$1,042.00	\$0.00	\$0.00	\$0.00

\*\* - Indicates assessment is subrogated

Barbara Hensch, et al.,	:	
	:	
Plaintiffs	:	Civil Action – Declaratory Judgment
	:	
v.	:	Docket No. 2014-454
	:	
Perry County Sheriff Carl Nace	:	
Defendant	:	

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2014, the Preliminary Objections of Defendant Perry County Sheriff Carl Nace to Plaintiffs’ Complaint, are **SUSTAINED**, and it is **ORDERED** that all Counts as to the aforementioned Defendant are dismissed with prejudice.

BY THE COURT:

\_\_\_\_\_  
J.

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Barbara Hensch, et al.,	:	
	:	
Plaintiffs	:	Civil Action – Declaratory Judgment
	:	
v.	:	Docket No. 2014-454
	:	
Perry County Sheriff Carl Nace	:	
Defendant	:	

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**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2014, upon consideration of the Preliminary Objections filed by Defendant Sheriff Nace to the Complaint, it is **ORDERED** as follows:

1. Oral argument upon the Preliminary Objections will be held on \_\_\_\_\_, \_\_\_\_\_, 2014, at \_\_\_\_\_ o'clock \_\_.m. in Courtroom #\_\_ of the Perry County Courthouse, New Bloomfield, Pennsylvania.
2. Plaintiffs Barbara Hensch, Donna Jones and Kimberly McMullen shall file a brief concerning the issues raised in the Preliminary Objections on or before \_\_\_\_\_, 2014.
3. Notice of the entry of this Order shall be served by the Prothonotary.

BY THE COURT,

\_\_\_\_\_  
J.

cc: Plaintiff  
Defendant  
File