



City of Allentown
Office of the City Solicitor

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Via email transmission only: Joshua@PrinceLaw.com

September 27, 2016

Joshua Prince
646 Lenape Road
Bechtelsville, PA 19505

Re: Right-to-Know Request dated August 18, 2016
Received in our office on August 22, 2016
Ordinance/Regulation Relating to Firearms or Ammunition

Dear Mr. Prince:

We acknowledge receipt of your request for public records, dated August 18, 2016, under the Right-to-Know Law (RTKL), 65 P.S. 67.101 et. seq. Your request was received in our office on August 22, 2016.

You requested to review the following:

“Any letter, email, fax or written communication from any person in the Lehigh County District Attorney’s Office or any person from the Office for Solicitor the City of Allentown relating to any existing or proposed ordinance or regulation relating to firearms or ammunition from January 1, 2008 through the present. Reporter Emily Opilo recently published an article stating that letters received from District Attorney Martin and Solicitor Wild relating to a proposed ordinance regulating firearms and ammunition were discussed at a meeting on August 17, 2016 – <http://www.mcall.com/news/breaking/mc-allentown-lost-gun-law-committee-20160817-story.html>”

Your request was forwarded to the City’s Legal Department for a response.

Your request is respectfully granted in part and denied in part.

You will see enclosed a redacted copy of records, consisting of fifty-two (52) pages in response to your request.

Under Section 903 of the RTKL, the City has withheld a two (2) page Memorandum from the City Solicitor's Office, addressed to Susan Ellis Wild, City Solicitor, and the Honorable Ed Pawlowski, Mayor of the City of Allentown, dated June 30, 2016, as this information is exempt from disclosure, for the following reasons:

Under Section 305(a) of the RTKL, a record in the possession of a local agency shall be presumed to be a public record. The presumption shall not apply if:

- (1) the record is exempt under section 708;
- (2) the record is protected by a privilege; or
- (3) the record is exempt from disclosure under any other Federal or State law or regulation or judicial order or decree.

The aforementioned Memorandum is protected from disclosure by a lawful privilege.

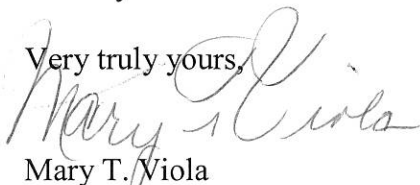
The requested written memorandum provides legal opinions from the Solicitor's office to the Mayor and City Council and is therefore protected by the attorney-client privilege, 42 Pa.C.S.A. Section 5928, Gillard v. AIG Insurance Company 15 A.3d 44 (2011).

Under Section 1101(a)(1) of the RTKL, an appeal must be made in writing to Mr. Erik Arnesen, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120 within 15 business days of the mailing date of this letter.

By this letter, we consider the City's obligation to honor your request under the RTKL to be fulfilled.

Thank you.

Very truly yours,



Mary T. Viola

Right-to-Know Officer

Date of Email: September 27, 2016