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TOPICAL

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PIAA seeks exemption from state Right to Know Law

The Daily Item

Dec 22, 2020



The PIAA logo on the scoreboard at the Giant Center during PIAA Wrestling Championships in Hershey.

Tami Knopsnyder/For The Daily Item



The Pennsylvania Interscholastic Athletic Association has filed a lawsuit in the Commonwealth Court asking to be excluded from being covered by the state's Right to Know Law (RTKL).

In the suit filed on Dec. 18. against the state Office of Open Records (OOR) and the Commonwealth of Pennsylvania, the PIAA asked a judge to declare the inclusion of PIAA within the definition "State-affiliated entity" of Section 102 of the RTKL as unenforceable and/or unconstitutional.

The filing states the PIAA has grounds that the provision is inherently contradictory as it defines a "State-affiliated entity" as "a Commonwealth authority or entity" but then expressly identifies PIAA as being covered by the definition when PIAA, the suit says, is not, nor has it ever been, either a commonwealth authority or entity.

Pennsylvania NewsMedia Association attorney Melissa Melewsy said Monday she was stunned to learn of the lawsuit considering the scope of the organization.

"That's amazing and unsettling to see PIAA try to disclaim the RTKL's applicability to its records," she said.

"The organization wields enormous power over the daily lives of Pennsylvanians across the state, power that would otherwise fall to school districts. Pennsylvania courts have recognized the unique role PIAA plays, including a finding that the organization is subject to the Sunshine Act because of the decision-making power it exercises. When an organization wields government power, transparency laws must apply."

OOR Executive Director Eric Arneson pointed out Monday that Pennsylvania's Right-to-Know Law became effective on Jan.1, 2009.

"Today's filing by the PIAA comes nearly a full 12 years later," he said. "A quick search of the Office of Open Records' docket shows that the OOR has decided at least 17 previous appeals involving the PIAA."

Line Mountain Superintendent Dave Campbell, who served on the PIAA District 4 board for nearly 10 years, said checks and balances are needed.

"This country was built on checks and balances," he said. "I would contradict myself if I said I haven't fought Right to Know requests in the past, because I have. I don't always agree with them and the decisions made, but I am thankful for those who are seeking the information they request from any public agency. Any good law can be misapplied for wrong reasons however to not have checks and balances in our society would not be a good thing."

Shikellamy Superintendent Jason Bendle said, "Everything should have oversight. Especially when it comes to taxpayer's dollars."

The filing states the provision singling out PIAA is special legislation targeting a specific corporation. The provision presents obligations to the PIAA that are not imposed on other analogous entities and violates PIAA's federal and state constitutional rights of equal protection, according to the lawsuit.

State Rep. Lynda Culver, R-108, of Sunbury, said she is reviewing the suit.

"I have sent a copy of the lawsuit to Rep. Mike Reese, of Westmoreland, who serves on the PIAA Oversight board, for review," she said.

In the fall, The Daily Item met with Reese, State Rep. David Rowe, of Mifflinburg, and state Sen. Scott Martin, of Lancaster, to discuss PIAA record keeping. The legislators decided to hold a PIAA Oversight Committee hearing on District 4 after numerous attempts by the newspaper to review financial information were denied.

"I believe we still need to hold an oversight hearing on many issues," Culver said.

The PIAA has fought on several occasions against answering public information requests from The Daily Item.

The PIAA told the newspaper they did not have financial information for District 4, the organization's Valley regional office. The newspaper continues to seek receipts for district meetings held at a private home in Mifflinburg, as well as those held at the Buffalo Wild Wings, in Williamsport, The Watson Inn, in Watsontown, and Eagles Mere County Club, in Sullivan County.

The newspaper received information in late 2018 from various Valley school district officials which were concerned that PIAA District 4 board members were meeting in establishments that sold alcohol and that members of the public were not being told where the meetings were.

The newspaper was contacted in 2018 by officials from Sullivan County, Lewisburg, Selinsgrove, Shikellamy and Danville school districts. The Daily Item visited one meeting site, before filing several RTK requests to the PIAA in the last two years.

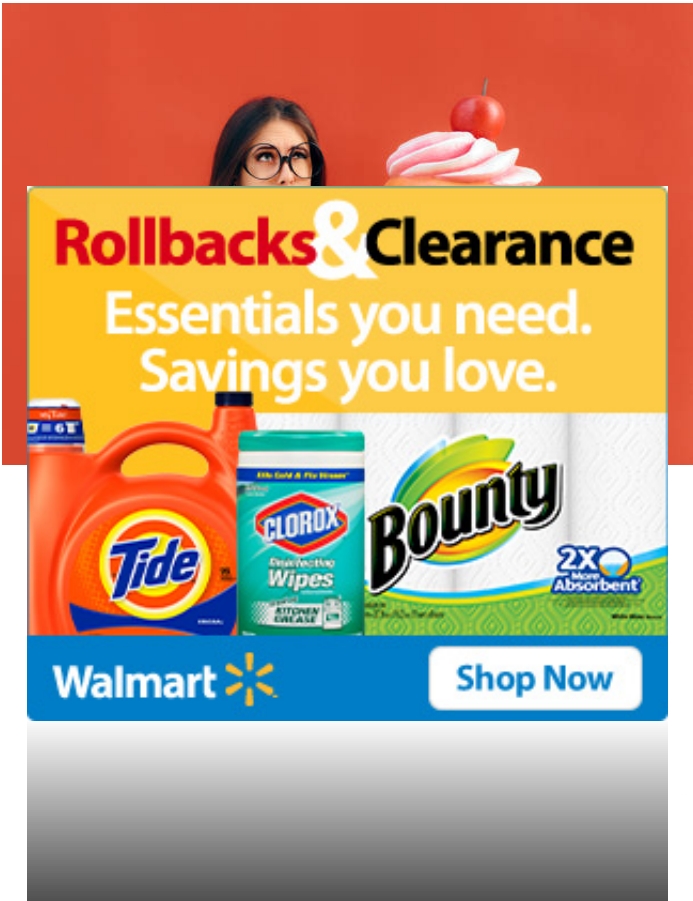
The most recent RTK appeal came after the PIAA attempted to charge the newspaper for documents. The OOR ruled the newspaper made it clear they would not be paying for the documents, but if the paper wanted copies it must pay.

The newspaper was allowed to refile the request and was allowed to visit the PIAA, in Mechanicsburg, to review mileage payments to District 4 board members, and meeting minute notes.

In the meeting notes reviewed, "Glenn's Patio" was listed as a site for the organization's public meeting on Aug. 6, 2018. The reference was to Glenn Fogel, a retired Mifflinburg principal, who is the District 4 treasurer.

The PIAA had never acknowledged that District 4 meetings took place at Fogel's home prior to the review of the mileage checks and meeting minute notes.

Each year from 2017 through 2019, District 4 officials also met at the Eagles Mere Country Club for a public meeting and annual banquet, according to meeting minute notes. No financial records were provided for the banquets.



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