



Commonwealth of Pennsylvania
State Employees' Retirement System
30 North Third Street, Suite 150
Harrisburg, Pennsylvania 17101-1716
www.sers.state.pa.us
Telephone: 1-800-633-5461



November 19, 2013

NOTICE OF RIGHT TO REQUEST TO PARTICIPATE IN APPEAL

*Kenneth Fultz v. State Employees' Retirement System (SERS)
Pennsylvania Office of Open Records; Docket No. AP 2013-2135*

Dear Annuitant:

Several weeks ago, the State Employees' Retirement System sent a letter to let you know that, on August 23, we received a Right-to-Know Law request for the names and home addresses of all active, inactive and vested SERS members. Our goal in that letter was to inform you that there are certain legal exceptions that would allow us to withhold your home address and to advise you that SERS would apply known exceptions to all future Right-to-Know Law requests for home addresses. We also explained that it is administratively impractical for SERS to notify members every time we receive a Right-to-Know Law request.

On September 12, SERS did receive another Right-to-Know Law request for your home address and the addresses of other annuitants. In our response we declined to provide the home addresses of a number of our annuitants, including yours. The requester has appealed our decision and is seeking that we be ordered to disclose the addresses that we declined to provide. You are welcome to view the appeal at any of SERS offices or at www.SERS.state.pa.us.

You have a legal right to request to participate in the appeal being heard by Pennsylvania's Office of Open Records. To do so, you must respond, in writing, within 15 days of the date of this letter. You may request to appear before, or provide information that supports your position to, the Office of Open Records.

SERS denied access to many home addresses, including yours, for one or more of the following legal reasons:

- You are or were, or another person at the same address is or was, a law enforcement officer
- You are or were, or another person at the same address is or was, a judge
- You are a SERS retiree who has reached superannuation age (normal retirement age)
- You are a beneficiary of a SERS member who is age 60 or over, or SERS has no record of your age
- You notified SERS of a specific threat to your personal security

(Important information continues on the back side of this page.)

If you would like to participate in the appeal, you must provide a written request to the Office of Open Records – preferably by e-mail – within 15 days of the date of this letter. Send your request to:

Jill S. Wolfe, Esquire, Appeals Officer
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

e-mail: RA-ORORegistration@pa.gov
fax: (717) 425-5343

You must also send a copy of your request – preferably by e-mail – to both:

State Employees' Retirement System
30 North Third Street, Suite 150
Harrisburg, PA 17101-1716
e-mail: RA-SERSrsk@PA.gov

and

Kenneth Fultz
114 Constance Court
Long Pond, PA 18334
e-mail: kilofox@ptd.net

Your request will become a public record and must include:

- Kenneth Fultz v. SERS
- Office of Open Records Docket Number AP 2013-2135
- Your name
- Your contact information (mailing/email addresses & telephone numbers provided will become public)
- The date of your letter
- Your signature (if submitted in hard copy)
- All legal reasons for denying access to your address (see bullet point list on front side of this letter)
- Information you think might assist the Office of Open Records in making its Final Determination

Should you wish to exercise your right to request to participate in this appeal, we have enclosed a form that may help you. A similar form is available at:

- <https://www.dced.state.pa.us/public/oor/RequesttoParticipateasDirectInterestParty.pdf>.

As a reminder, any form or letter you submit in this matter will become a public record. Given that you are participating because SERS has denied access to your home address, you may not want to provide your home address as your contact information for the purpose of this appeal. We understand that some people have considered creating new e-mail addresses specifically to participate in this litigation.

Moreover, because providing home addresses pursuant to Pennsylvania's Right-to-Know Law is an unsettled matter of law, there may be more than one appeal and you may receive more than one notice of your right to participate. If so and if you are interested in participating, you must respond to each case based on the specific contact information provided and timeline established for each proceeding.

Thank you for your time, interest and patience with this matter. If you would like to learn more about Pennsylvania's right-to-know law, please visit the Office of Open Records' website at <http://OpenRecords.state.pa.us>.

Sincerely,


Joseph A. Torta
Director of Member Services

REQUEST TO PARTICIPATE AS A DIRECT INTEREST PARTICIPANT

*Kenneth Fultz v. State Employees' Retirement System (SERS)
Pennsylvania Office of Open Records; Docket No. AP 2013-2135*

A similar form is available electronically at <https://www.dced.state.pa.us/public/oor/RequesttoParticpateasDirectInterestParty.pdf>.

Please accept this as a request to participate as a third party with a direct interest in a currently pending appeal before the Pennsylvania Office of Open Records pursuant to 65 P.S. § 67.1101(c).

Name of SERS Member or Beneficiary/Direct Interest Participant: _____

Printed Name

Member's or Beneficiary's Contact Information: _____

This will become a public document; you may not wish to provide your home address.

Date Member or Beneficiary Received Actual Notice of this Appeal: _____

Name of Requester: Kenneth Fultz

Address/City/Zip: 114 Constance Court; Long Pond, PA 18334 **E-mail:** kilofox@ptd.net

Name of Agency: State Employees' Retirement System (SERS)

Address/City/State/Zip: 30 N. Third Street; Suite 150; Harrisburg, PA 17101-1716 **E-mail:** RA-sersrtk@pa.gov

Record at issue: home/ mailing address of above-named SERS member or beneficiary/direct interest participant

I have a direct interest in the records at issue because I am a member of SERS whose home/ mailing address was requested by Kenneth Fultz. I believe that SERS denied access to my home address on the basis that:

- I am or was, or another person at the same address is or was, a law enforcement officer.
- I am or was, or another person at the same address is or was, a judge.
- I am a retired member of SERS and I have reached superannuation age (normal retirement age).
- I am a beneficiary of a SERS member who is age 60 or over.
- I notified SERS or my employer of a specific threat to my personal security.

Explain how the information you will submit in this appeal will assist the Office of Open Records to make its final determination in this appeal (attach additional pages if necessary). _____

I have attached additional materials in support of my position to be included in the Office of Open Records' final determination. (*optional*)

Respectfully submitted,

Member's or Beneficiary's Signature

Date

Return this form and any attachments – preferably by e-mail – to all of the following:

Jill S. Wolfe, Esquire
Office of Open Records
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225
e-mail: RA-ORORegistration@pa.gov
fax: (717) 425-5343

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