

**COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL**

**UNSWORN AFFIDAVIT OF
SHARON K. MAITLAND**

I, Sharon K. Maitland, the undersigned, make this statement subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities:

A. PERSONAL BACKGROUND

1. I am the Right to Know (“RTK”) Officer for the Pennsylvania Office of Attorney General (“OAG”) and I have been the RTK Officer since March 2019.

2. I am also a Senior Deputy Attorney General. I was previously a Deputy Attorney General in the Bureau of Consumer Protection from December 2015 to November 2018, before that I was a temporary employee in the Healthcare Section from May 2015 to December 2015.

3. Part of my duties as the RTK Officer include: (1) tracking all incoming RTK requests, (2) responding in a timely manner to all RTK requests and (3) researching any RTK issues. Moreover, as the RTKL Officer, I make decisions regarding whether to withhold or produce records solely based on the standards contained within the RTKL.

B. CONNOLLY, SEAN RTK REQUEST #2024-089

4. On March 18, 2024, the Right to Know Law (“RTKL”) office received and reviewed Sean Connolly’s RTK request numbered 2024-089.

5. Based upon my review, I determined that Mr. Connolly was asking for records regarding multiple Bureau of Consumer Protection (“BCP”) investigations, Covid 19, the 2020 election and Attorney General Josh Shapiro, among other things.

6. As a result, I contacted the customary record keepers BPC, the Human Resources Division (“HR”), the Information Technology Department (“IT”) and the Comptroller’s office and

asked them to conduct a search for any records that may be responsive to the portions of Mr. Connolly's request relevant to their respective Sections.

7. With regard to parts #1 and 7, based upon my email conversations with the appropriate record keepers, the OAG does not have any records regarding financial donations or assistance to Josh Shapiro's Attorney General race, re-election race, and Governor's race.

8. As a result, I was not able to grant these parts of the request. I also provided Mr. Connolly with the Department of State ("DOS") contact information. DOS is the appropriate agency to contact for campaign finance records..

9. After receiving Mr. Connolly's appeal, I noted that he references a website where he found the information. The OAG does not have possession, custody or control of this website and there is no legal obligation for the OAG to obtain records from it.

10. With regard to part #5, I personally reviewed the records received from the IT Department. There are no inter-office e-mails, meeting agendas, communications, discussions between Sarah Frasch, her supervisors, and any other agents, attorneys, relating to e-mail communications, and/or evidence Ms. Frasch received from Channel 6abc investigative reporter Nydia Han, her producer, Heather Grubola, the Philadelphia Inquirer Reporters: Erin Averlund, Caitlin McCabe, or Harold Brubaker. There is an email from Nydia Han to our Communications Division, which contains a consumer complaint. The email is a public record, but the consumer complaint will be withheld in accordance with the Noncriminal Investigative exemption. 65 P.S. § 67.708(b)(17)(i).

11. Regarding part #10, I personally reviewed the results of the IT Department search in which they indicate there are no emails between Josh Shapiro and the United States Security Exchange Commission of the Eastern District, or in Washington, D.C. and private law firms. I

also reviewed all the responsive emails and did not find any emails between Josh Shapiro and the entities named above.

12. Regarding part #11, I spoke with the Chief Deputy Attorney General (“CDAG”) of the OAG’s Public Corruption Unit, Brian Zarallo, and caused a search to be conducted; there are no financial records indicating Josh Shapiro used Special Agents to investigate, intimidate, harass or threaten Leah Hoopes and Greg Stenstrom. Rather, Leah Hoopes and Gregory Stenstrom held themselves out as witness to alleged interference in the 2020 election and the OAG sent Agents to interview them for that purpose. At no time were Leah Hoopes or Gregory Stenstrom under investigation by the OAG.

13. Regarding Part #13, I personally reviewed all of the emails; there are no emails indicating that anyone from the OAG emailed or called Upper Providence Police Department to speak with Detective Patrick Haines or Attorney Solicitor Joseph Bresnan. Additionally, OAG phones only hold 150 calls. Considering these investigations began in 2014 (David Cutler Group) and 2018 (Toll Brothers), even if someone from the OAG did contact Detective Patrick Haines or Attorney Solicitor Joseph Bresnan there would be no record left on the phone after the amount of time that has passed.

14. With regard to part #17, I personally reviewed the results of the IT Department search in which they indicate there are no emails from Katie Muth or Mike Verb to Attorney General Josh Shapiro, Governor Shapiro or media outlets regarding any of the topics requested in part #17. Additionally, I personally reviewed all the emails and there were no emails that met the parameters of part #17.

15. Regarding part #19, the Pennsylvania Constitution allows agencies to prevent the release of private information protected by the Pennsylvania Constitution. Pa. Const. art. 1, §1.

The release of the personal information of individuals meeting with the Attorney General is detrimental to those individuals for a variety of reasons. Public disclosure of the particulars of individuals, including their past and current work history in connection with a meeting with the Attorney General could subject those individuals, and their family members, to a heightened risk of physical harm, harassment and/or retaliation from others who may have political beliefs or opinions that differ from those of the Attorney General. As a result, the potential harm to the individuals by releasing their private identifying information far outweighs the public interest in disclosing it.

16. Additionally, certain of the records provided to the OAG contain medical information of minor children. These records are not “public records” because the disclosure of the medical information would reveal information about the health of the children, which constitutes a HIPAA violation. In addition, the records contain individually identifiable health information and therefore are specifically excluded by the RTKL under Section 67.708(b)(5). Also, the RTKL protects “[a] record identifying the name...of a child under 17 years of age or younger.” 65 P.S. 67708(b)(30). As a result, any reference to minor children was redacted or removed in its entirety.

17. For parts #18 and #20, Mr. Connelly does not provide information with sufficient specificity, such as a subject matter, specific key words, names of media outlets, or some other further defining context in order for the OAG to conduct a good faith search for records that may be responsive to his request. Additionally, the OAG cannot define what he considers to be “propaganda” that would change the opinion of the public or “information that negatively influenced, swayed, or interfered, or postured” a particular investigation. As a result of this lack of specificity, the scope of documents sought cannot be determined. Also, his request then shifts

the burden to our office to determine what he means by those above-referenced terms. Additionally, Mr. Connolly argues in his appeal that “the timeframe of his requests identify a finite period of time such as the Facebook Message that Josh Shapiro communicated with Jody McMahon.” However, this information was not part of his original request; regardless, these vague details do not provide a defined time period in which to conduct a search.

18. Therefore, Mr. Connolly’s request could not be granted in part, was properly granted in part and properly denied in part pursuant to the RTKL.

C. CONCLUSION

19. As a result, Mr. Connolly’s appeal should be denied.

Dated: 5/31/2024



By: Sharon K. Maitland
Right to Know Officer
Senior Deputy Attorney General
Civil Litigation Division
Office of Attorney General
15th Floor—Strawberry Square
Harrisburg, PA 17120