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August 4, 2014

Brenda K. Benner, Chairman
Perry County Commissioner
P. O. Box 37
New Bloomfield, PA 17068-0037

Paul L. Rudy, Jr., Secretary
Perry County Commissioner
P. O. Box 37
New Bloomfield, PA 17068-0037

Re: Letter of June [sic] (July) 21, 2014

Dear Commissioners Benner and Rudy:

My clients, the duly elected Auditors of Perry County, have forwarded your letter referenced above to me for response. Quite frankly, my clients continue to be both dismayed and disappointed in your continued harassment of them as they attempt the only legal means available to them to acquire the necessary documents to complete their statutorily mandated audit. Your continued prejudice in support of the Sheriff to the exclusion of my clients continues to trouble and confound them as well. The Auditors are and will remain steadfast in their conviction that no county row office, including the Sheriff, is exempt from the statutory mandates of the County Code requiring that their complete, unredacted financial records be reviewed and audited by my clients. Therefore, they will not be withdrawing their declaratory judgment action.

I would remind you and the Sheriff that my clients could have brought an action for contempt against the Sheriff for the failure to respond to their subpoena properly issued pursuant to their powers under the County Code. Instead, they thought the more prudent method of proceeding was the declaratory judgment action so as not to embarrass the Sheriff or you in the continued pronouncement of a legal position which we contend is not legally supported or a correct interpretation of the law relied upon by the Sheriff.

My clients would also point out that it is not up to a faction of the Commissioners to determine what "is or is not necessary" for them to conduct the audit which the County Code requires they perform. It is also certainly not within the purview of Robert W. Morris & Company to declare what is or is not necessary to comply with the statute. We note that your letter is totally devoid of any statutory support for (1) the authority to hire Mr. Morris to conduct

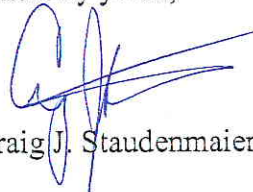
an audit which is, in essence, a nullity under the law and (2) any statutory provision or accepted accounting practice which supports your claim that complete, unredacted records are not "necessary" for a proper audit. In this regard, I note that the Morris report itself states: "... we make no representation regarding the sufficiency of the procedures described below, either for the purpose for which this report was requested or for any other purpose."

It is not my clients' litigation that is "frivolous" as you state, but the arguments and forces aligned against them which have totally misconstrued and misinformed the public as to what the true issue is here and the reason for the declaratory judgment action. The Sheriff and you continue to profess that allowing the Auditors to review the unredacted records of concealed firearm permits, including the licensee's name and address, is a "public disclosure" of the information in violation of the confidentiality provision of the Pennsylvania enactment of the Uniform Firearms Act, 18 Pa. C.S.A. §6111(I). This is both factually and legally incorrect. The Auditors have never and will never release such records publicly. They review them, as they have done in the past, and return them to the Sheriff. They neither make nor keep copies. None of the name or address information ever appears in the audit. These are the facts. In light of this, the rabid attacks on my clients who are only trying to fulfill their statutory duties and protect the integrity of their office are incomprehensible.

They have been and continue to be subjected to vicious attacks by you and by members of the community for absolutely no reason. In fact, they have felt so threatened that they are reluctant to even attend Commissioner meetings because of the shameful manner in which you have treated them and have chosen to address and deal with their concerns. Your continued failure to adequately address the legitimate, statutorily supported concerns of the Auditors have forced them to seek the intervention of the judiciary to obtain a fair and balanced consideration of the issue and a decision which will be legally supported and not based upon misinformation and threats.

The Auditors regret that they had to seek legal action. However, they are not frivolously expending taxpayer dollars. The fact that this litigation had to be commenced is a result of the Sheriff's failure to turn over the necessary records and of your continued support of that position. The Auditors cannot and will not cede their statutory duties and obligations to you or the Sheriff. The Sheriff can easily suspend the litigation by turning over complete, unredacted copies of the records for audit and the matter will end quickly and efficiently. Until then, please direct any communications with my clients to me and preferably through your Solicitor, Mr. Bunt.

Sincerely yours,



Craig J. Staudenmaier

CJS/jai

cc: William R. Bunt, Esquire
Stephen C. Naylor, Commissioner