

FRANK BURNS, MEMBER
72ND LEGISLATIVE DISTRICT

DISTRICT OFFICES:
535 FAIRFIELD AVENUE
JOHNSTOWN, PENNSYLVANIA 15906
(814) 536-8400
FAX: (814) 533-2368

119 S. CENTER STREET
EBENSBURG, PENNSYLVANIA 15931
(814) 472-8021
FAX: (814) 472-1965

112-A MUNSTER ROAD
PORTAGE, PENNSYLVANIA 15946
(814) 736-7339 OR (814) 736-6452
FAX: (814) 736-3233



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

HARRISBURG OFFICE:
325 MAIN CAPITOL
P.O. BOX 202072
HARRISBURG, PENNSYLVANIA 17120-2072
(717) 772-8056
FAX: (717) 772-9965

COMMITTEES

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September 24, 2019

The Honorable Tom Wolf, Governor
225 Main Capitol Building
Harrisburg, Pa. 17120

Dear Gov. Wolf:

As the governor who instituted a gift ban and has made transparent government a top priority, I am asking for your help in unblocking public information the Pennsylvania Liquor Control Board is trying to keep secret.

I am asking you to file an Amicus Brief with Commonwealth Court in support of my efforts to overcome the LCB's refusal to provide me – and thus the public – with a county-by-county breakdown of the number of restaurant liquor licenses this state agency has available for auction. The LCB has put up stiff resistance to my request, to the point of arguing that such information is a “trade secret.” As someone who shares my belief in transparent government, I hope you also share my belief that an agency that works for, and is paid by, state taxpayers should not be keeping “trade secrets.”

Even though the state Office of Open Records ruled in my favor, shooting down each argument by the LCB to keep the number of licenses under wraps, the agency has chosen to appeal the matter to Commonwealth Court. Unlike the LCB, which has a battery of taxpayer-funded lawyers and unlimited financial resources to mount a court fight, I don't have a million-dollar legal machine at my disposal. I will be paying out of my own pocket, using zero taxpayer funds, to make sure we have open government.

As someone who has made transparent government a priority “since day one” of your administration, please help bring the LCB to its senses by filing the “friend of the court” brief that I am requesting. I believe your expertise in this area and status as a champion of transparency would be invaluable in this fight. In the same spirit, I think you are also in a strong position to reason with the LCB, since you recently appointed your former chief of staff and senior campaign advisor, Mary Isenhour, as a paid member of the agency's governing board.

As you may know, there is legislation afoot to increase the number of restaurant liquor licenses statewide. How can I as a legislator, or you as the governor, know whether this proposal is good, or even necessary, if we don't know how many licenses are already in the LCB's auction pipeline? In the hope that you will assist, I am attaching the Office of Open Records' final determination and the LCB's petition for court review.

With your help, the people of Pennsylvania can prevail against a powerful, deep-pocketed state agency.

Sincerely,

A handwritten signature in blue ink that reads "Frank Burns".

Frank Burns
State Representative, 72nd Legislative District