

**From:** [Michael Long](#)  
**To:** [Eilers, Blake](#)  
**Cc:** [Higgins, Kathleen](#); [J. Chadwick Schnee](#); [Bradford Flynn](#)  
**Subject:** Re: [External] RE: Long v. Borough of Bath, OOR Dkt. AP 2024-0001 (Mediation)  
**Date:** Wednesday, February 14, 2024 3:55:41 PM

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**CAUTION: This email originated from outside your organization. Please exercise caution when opening attachments or clicking links.**

I'm alive, i know everyone was probably deeply concerned, especially my bestie Bradford.

Not to worry, I got sidetracked by something in the mail today, so apologies for the delay. You know how that goes, sometimes we have to spend 30 mins that we will never get back, research, reading, typing, typing, research, reading, typing, typing, thinking break, typing, research, reading, typing. Don't know why anyone in their right mind would choose willing choose this law gig, it's super repetitive, overly boring and lacks any outdoor related activities. But to each their own, I guess.

Between 'life' a snowstorm and trying to decipher that 120 page audit log and determine why it included so many accounts was super exciting and while I heard there was some football game on, i was just so caught up in the story line of budget lines, I couldn't bother to put it down and watch.

I'm totally kidding i wrote some code and trained an ai to process all that. On a bright note, Andy got another chip and my crypto holdings jumped 30% in 3 days.

But down to business. So there are somethings that aren't included within this reports as well as some lines that are lacking transactional data just for example I have a 2022 profit vs loss that is dated 10/3/2022 and another dated 1/23/23 or there's about. The September version shows recorded revenue lines in 360.19 and i think 389.30, yet the end of year report has this lines as non existent or at 0.

The transaction log for 2022 fails to show this activity and while some of the transactions are shown in the audit trail and that the transactions were adjusted to different budget lines it still doesn't equate to what was reported. Likewise there are other deposits dates that dont match up with previously reported premium payments.

Now that that's clear, I am aware that the OOR while great in its role and mission, are unfortunately lacking hamstrung in the area of ensuring many aspects of what they are tasked with overseeing. It's an inherent weakness which places them between the proverbial rock and authority. No matter what they decide, they leave someone unhappy with an outcome. It's far from an easy job and one I'm sure doesn't come with nearly the understanding or appreciation for what they do and I want to say that I am grateful and appreciative for your time, patience and understanding but most importantly your professionalism.

A system that is touted as allowing the public to access public record in order to ensure public officials are held accountable for their actions, sounds wonderful in theory. I believed that very claim when this begun and partially still do. I just think it should be accompanied by an

\*. \*requires \$\$\$\$ for lawyers, patience, time, dealing with assholes(yes Bradford this time I am referring to you and it is the first) or retire early and keep your schedule open for 12 to 16 months and enjoy reading some super boring text.

So as I wish not to waste anymore of anyones time here today and as I have always been a man of my word. I wish to withdraw my appeal in full no caveats effective end of day February 16, 2024 as we had discussed and agreed to.

While I may not have garnered the full scope of records as I thought we had agreed upon and since I'm sure it will be asked, Yes, I am sure. Please issue a full and complete a withdraw of my appeal and mark it as such effective February 16, 2024 at close of business. Why Friday you ask, to which i respond, why not!

Again i want to express my sincere appreciation and gratitude for everyone's involvement in this process and before I go, Bradford I'm not sure if it was you, but I would appreciate that borough hall doesn't give my private phone number to local residents. As I received a call from a pleasant woman on Monday stating she was given my number by borough hall. Little creepy, actually kinda super creepy. So yeah you might wanna rethink that policy especially considering what she wanted has nothing to do with me but if this town was anything beyond that over inflated paycheck, you'd know that there was two Mike Long's in this town not to mention its borderline illegal but whom I kidding, you don't have to concern yourself with such trivial things like laws, just write up and sign some affidavit that says otherwise.

I mean it worked in two other RTK appeals with regards to audit trails related to the mayors payments. Look at me complaining, not like you could've saved me a year by producing them the first two times I asked for them, but beggars shall not be choosers.

Michael Long

being deposited, such as:

1. Account names and numbers (redacted as necessary) where the funds were deposited or transferred to.
2. The purpose or use of the funds after being deposited.

If possible, please also provide a copy of the Audit Trail Report from QuickBooks for the specified time period, as it should contain this information."

Your Request AORO Tracking #12.2023 is denied per RTKL Section 506(a)(1) because it is a repeated request for the same record and places an unreasonable burden on the Borough. In other words, your Request AORO Tracking #12.2023 is denied per RTKL Section 506(a)(1) because it is a disruptive request. As stated in the Final Determination for OOR AP 2022-2675 on pages 23 and 24, this was Request 5(a) and Request 5(a) was dismissed as moot because the records were provided. Pages 23-24 of the Final Determination, in relevant part, it states:

"Request 5(a) seeks "all digital records from 2019 to current [relating] to health insurance coverage issued to the position of mayor. As well as what dates this coverage was active and discounted. If and when this was reimbursed back to the boroughs general fund or what [became] of any repayment[.] ... In a good faith effort to respond to Request 5(a), the Borough provided (a) a letter dated October 15, 2018 which indicates the mayor's enrollment, premium rates, and terms of reimbursement for the health insurance coverage; (2) reports of premium amounts paid by the Borough and then reimbursed by the mayor for the mayor's Delaware Valley Health Trust for years 2018 thru October 31, 2022, and (3) **spreadsheets and cancelled checks demonstrating payments and reimbursements for the mayor's health insurance for the years 2018 thru 2022. These records**

*"Bath, History Nestled With Friendship"*

Mr. Long  
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**provided satisfy the portion of Request 5(a) seeking "the dates this coverage was active and discounted[,] ... [and] [i]f and when this was reimbursed [back to the boroughs [sic] general fund or what [became of any repayment[.]]"**

Emphasis added.

You were given a copy of the Final Determination for OOR AP 2022-2675 via email from Appeals Officer Hecker, so you are aware of this. You are also aware that you stated to Appeals Officer Hecker that you were asking for the Audit Trail Report from Quickbooks prior to her rendering the Final Determination for OOR AP 2022-2675. See your email of February 16, 2023, to Appeals Officer Hecker which is attached hereto as **Attachment #4**. During your appeal at OOR AP 2022-2675, you were aware that Appeals Officer Hecker was informed on January 30, 2023, and February 23, 2023, that:

"It is impossible to obtain a single, accurate report from the Borough's Quickbooks for each relevant time period. Why? The Borough's bookkeeper has reported that, in past years, the previous bookkeepers had entered information into Quickbooks that was incorrect. For example, rather than entering individual [Delaware Valley Health Trust] bills as they were received, there are some months when multiple months of bills were entered as a single amount which made that entry incorrect with need for correction. Also, another barrier from being able to create a single, correct report from Quickbooks is that the Mayor's health expenses were tracked in different accounts over multiple years. For example, both 2021 and 2022 have one (1) deposit each that were posted to an incorrect insurance reimbursement line which is where the Borough posts items such as PIRMA deposits. These payments are in a different account and so a single, correct Quickbooks report is not possible. Also, there were some deposits from payments from the Mirabitos that were posted to incorrect accounts. The Borough's bookkeeper had to perform extensive research to reconcile entries and create the excel spreadsheets prepared and already provided to Mr. Long to provide a single, correct report for each relevant year."

You were also aware that Appeals Officer Hecker was also informed in OOR AP 2022-2675 that:

On Wed, Feb 14, 2024 at 11:12 AM Eilers, Blake [REDACTED] wrote:

Dear Parties:

Thank you for your correspondence.

Michael: By the end of the day on Wednesday, February 21, 2024, kindly assess the records the Borough has provided and indicate whether your request has been satisfied such that you are willing to withdraw your appeal. If you are not satisfied, please indicate which items of your request remain outstanding, with specific reference to the particular records sought in

the request.

Sincerely,



**Blake Eilers, Esq.**  
Appeals Officer

Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor

Harrisburg, PA 17101-2234

[\(717\) 346-9903](tel:(717)346-9903) | [REDACTED]

<http://openrecords.pa.gov> | [@OpenRecordsPA](https://twitter.com/OpenRecordsPA)

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**From:** J. Chadwick Schnee <[chadwick@schneelegal.com](mailto:chadwick@schneelegal.com)>

**Sent:** Tuesday, February 13, 2024 9:17 AM

**To:** Michael Long [REDACTED]; Eilers, Blake <[REDACTED]>;  
[bradford.flynn@boroughofbath.org](mailto:bradford.flynn@boroughofbath.org); Higgins, Kathleen <[REDACTED]>

**Subject:** RE: [External] RE: Long v. Borough of Bath, OOR Dkt. AP 2024-0001  
(Mediation)

Dear Appeals Officer Eilers,

It is the Borough's position that Mr. Long's appeal has been limited to the items listed in Paragraph 1 and the item listed in Paragraph 3 of the attached settlement agreement based on our discussions during the mediation session, and the Borough has provided all of the records within Paragraph 1. I respectfully note that the settlement agreement did not contain any language permitting Mr. Long to continue to delay withdrawing his request while he reviews "the accuracy" of the records. I note that the question of whether records are accurate is beyond the scope of the OOR, as the question is, instead, (1) whether responsive records exist; and (2) whether they are subject to public access. Here, as the Borough has provided the records at issue, the settlement agreement itself should be treated as a withdraw of his appeal.

The Borough has acted in good faith in providing these records to Mr. Long and in engaging in the mediation of this matter, even going so far as to provide records that were not even sought by the Requester as part of his request (namely, records related to the Paw Park) for the purpose of resolving this matter. As Section 2 of the attached settlement agreement provides that “**upon receipt of the records identified in Section 1**” and the Borough has provided all such records, the Borough would ask that either (1) the OOR find that this Appeal is withdrawn for all items other than the item referenced in Section 3 of the settlement agreement; or (2) Mr. Long confirm the scope of his appeal is now limited to Section 3 of the settlement agreement.

I believe Mr. Long may have some unknown concern regarding the audit trail reports listed in Section 1(j) of the settlement agreement; however, to date, I am unclear as to what that concern is, and the Borough has provided the records responsive to this item.

The Borough would not be opposed to continuing to engage in further mediation of this matter, to the extent that Mr. Long is willing to honor the terms of the settlement agreement.

Thank you.



**Schnee**  

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**Legal Services**

J. Chadwick Schnee, Esq.

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[74 E Main Street #648](#)  
[Lititz, PA 17543](#)

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**From:** Michael Long [REDACTED]  
**Sent:** Friday, February 2, 2024 12:19 PM  
**To:** Eilers Blake [REDACTED]; [bradford.flynn@boroughofbath.org](mailto:bradford.flynn@boroughofbath.org); Higgins Kathleen [REDACTED]; J. Chadwick Schnee <[chadwick@schneelegal.com](mailto:chadwick@schneelegal.com)>  
**Subject:** [External] RE: Long v. Borough of Bath, OOR Dkt. AP 2024-0001 (Mediation)

Mr Eilers,

As soon as I receive the records and am able to verify and authenticate the scope is as was agreed and to the accuracy of the data provided is complete and true I will absolutely be withdrawing my appeal as I have stated.

Michael Long

On Fri, Feb 2, 2024 at 9:07 AM Eilers, Blake [REDACTED] wrote:

Dear Parties:

Thank you for your cooperation.

Michael: By February 16, 2024, or within five business days of the Borough's production, whichever occurs sooner, kindly indicate whether you are willing to withdraw your appeal. As to your request for a transcript, the OOR does not record mediation sessions and thus, is unable to comply with your request.

Sincerely,



**Blake Eilers, Esq.**  
Appeals Officer

Office of Open Records  
333 Market Street, 16<sup>th</sup> Floor

Harrisburg, PA 17101-2234

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<http://openrecords.pa.gov> | [@OpenRecordsPA](https://twitter.com/OpenRecordsPA)

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**From:** J. Chadwick Schnee <[chadwick@schneelegal.com](mailto:chadwick@schneelegal.com)>

**Sent:** Thursday, February 1, 2024 5:00 PM

**To:** Eilers, Blake [REDACTED] Higgins, Kathleen [REDACTED]

**Cc:** Michael Long [REDACTED]

**Subject:** [External] RE: Long v. Borough of Bath, OOR Dkt. AP 2024-0001 (Mediation)

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).

Appeals Officers Eilers and Higgins,

I am pleased to report that the parties have reached an agreement in this matter, which is attached. As the agreement requires the Borough to produce records prior to Mr. Long's withdraw, my suggestion is to continue to keep this appeal pending until after the Borough produces the records on or before Friday, February 9, 2024.

Thank you.



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**From:** J. Chadwick Schnee

**Sent:** Thursday, February 1, 2024 4:34 PM

**To:** 'Michael Long' [REDACTED]

**Cc:** 'Eilers, Blake' [REDACTED]; 'Higgins, Kathleen' [REDACTED]

**Subject:** RE: Long v. Borough of Bath, OOR Dkt. AP 2024-0001 (Mediation)

Mr. Long,

By separate email, I just sent you a revised settlement agreement for your review and signature. In this version, the Borough would provide the records at issue no later than next Friday, and you would withdraw your appeal thereafter.

Thank you.



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**From:** J. Chadwick Schnee  
**Sent:** Thursday, February 1, 2024 4:23 PM  
**To:** Michael Long [REDACTED]  
**Cc:** Eilers, Blake [REDACTED]; Higgins, Kathleen [REDACTED]  
**Subject:** RE: Long v. Borough of Bath, OOR Dkt. AP 2024-0001 (Mediation)

Good afternoon, Mr. Long.

Thank you for your clarification. What I propose is this: I'll send over a new settlement agreement to you that requires the Borough to provide the records to you no later than Friday, February 9, and, upon your receipt of the records, you will promptly withdraw your appeal.

The only reason for the brief delay is logistical – Mr. Flynn will be out of the office tomorrow and early next week, and I'll also be out of the office Monday and Tuesday of next week. While I believe we'll be able to get you the records sooner, I'd like to give us a little buffer between when we return to our respective offices and the end of the week.

I will note that, to the extent the OOR would rule in your favor in an appeal, the Borough would have 30 days to provide responsive records. So, here, you'll get the records much sooner than through continuing with the OOR appeals process.

Could you please kindly advise as to your position with respect to the portion of Request 38.2023 with respect to whether you either want (1) to receive a final adjudication by the OOR on the merits of that portion; or (2) to withdraw your appeal as to that portion of the request?

Thank you.



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**From:** Michael Long [REDACTED]  
**Sent:** Thursday, February 1, 2024 4:16 PM  
**To:** J. Chadwick Schnee <[chadwick@schneelegal.com](mailto:chadwick@schneelegal.com)>  
**Cc:** Eilers, Blake [REDACTED]; Higgins, Kathleen [REDACTED]  
**Subject:** Re: Long v. Borough of Bath, OOR Dkt. AP 2024-0001 (Mediation)

I absolutely agree to the scope of the records as we agreed and I have no issue in withdrawing my appeal as I stated I would. My issue is in a lack of trust with your client as he has previous failed to provide complete records, has manipulated records provided that have removed his personal correspondence in email chains and has attempted to leverage my having to refile the same request with tweaked language in order to overcome every little thing they can take advantage of to delay records release and then apply my defiling to garner an injunction for having to refile. So while I am and have through this entire process been a man of my word. It is you client and their actions which find me unwilling to for go, as minimal as it may be, any perceived position of strength I may have in this situation.

Considering I have no desire or intention of filing anymore RTK requests, I will not give up my ability for appeal just so I can sit around another 2 weeks and hope that I receive what I asked for in order to do so.

I think it's important that you understand what I gain from any of this personally. NOTHING. But I also lose nothing by ensuring that government officials are held accountable for their actions. Something I believe you *used* to fight for.

So my stance is that there is zero reasons these records could not be provided as early as tomorrow and upon confirmation that it is what we agreed upon and what I stipulated as makes up an audit trail with history and a deletion log for the line items we discussed, then and only then will I immediately withdraw my appeal, as I said I would.

Michael Long

On Thu, Feb 1, 2024 at 3:54 PM J. Chadwick Schnee <[chadwick@schneelegal.com](mailto:chadwick@schneelegal.com)> wrote:

Dear Mr. Long,

I'd like to clarify your comments below.

First, based on our conversation earlier this week, I'm operating under the assumption that we remain on the same page as to limitation as to the scope of your request to just the records identified in the settlement agreement. Am I correct in that assumption?

Second, I believe you are suggesting some hesitation in withdrawing your appeal prior to the records being provided. I (subject to client approval) think I can work with that; however, I'll still need a signed settlement agreement indicating that you have agreed to withdraw the appeal upon the provision of records. Will that work for you?

Thank you.



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**From:** Michael Long [REDACTED]  
**Sent:** Thursday, February 1, 2024 3:46 PM  
**To:** J. Chadwick Schnee <[chadwick@schneelegal.com](mailto:chadwick@schneelegal.com)>  
**Cc:** Eilers, Blake [REDACTED]; Higgins, Kathleen [REDACTED]  
**Subject:** Re: Long v. Borough of Bath, OOR Dkt. AP 2024-0001 (Mediation)

**Statement of Non-Acceptance of Settlement Agreement:**

As Michael Long, I hereby assert my decision to not accept the terms of the proposed Settlement Agreement dated February 1, 2024, between myself and the Borough of Bath. The records stipulated in the settlement for provision were initially requested as part of the original Right-to-Know Law (RTKL) request. These records should have been made available in a timely manner, as per the procedural requirements of the RTKL, without necessitating an appeal.

Furthermore, the inclusion of additional audit logs in the agreement does not justify the stipulated delay for record provision. The production of these logs should be expeditious, taking no more than an hour to generate, and not subject to the withdrawal of my appeal.

Given the Borough of Bath's historical noncompliance with the Office of Open Records (OOR) final determinations regarding my record requests, I find it prudent to maintain the stance of not withdrawing any appeal.

My decision will stand firm until such time that all requested records are provided in full and complete form, as explicitly clarified and understood in the RTKL request and subsequent communications.

I remain committed to upholding the principles of transparency and accountability as outlined in the RTKL, and I expect the Borough of Bath to fulfill its legal obligations accordingly.

Sincerely,

Michael Long

On Thu, Feb 1, 2024 at 12:32 PM J. Chadwick Schnee <[chadwick@schneelegal.com](mailto:chadwick@schneelegal.com)> wrote:

Dear Appeals Officers Eilers and Higgins,

Please see the attached correspondence sent to Mr. Long moments ago in the interest of potentially resolving this matter. A proposed settlement agreement is accessible in the hyperlink in my email; however, it does not require the OOR's signature.

Thank you.



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----- Forwarded message -----

From: "J. Chadwick Schnee" <[chadwick@schneelegal.com](mailto:chadwick@schneelegal.com)>

To: Michael Long [REDACTED]

Cc:

Bcc:

Date: Thu, 1 Feb 2024 17:27:15 +0000

Subject: Settlement agreement - Long v. Borough of Bath, OOR Dkt. AP 2024-0001

Good afternoon, Mr. Long.

It was a pleasure speaking with you earlier this week related to your Right-to-Know Law appeal pending before the Office of Open Records at *Long v. Borough of Bath*, OOR Dkt. AP 2024-0001. In accordance with our discussion, the Borough has assembled or is in the process of assembling the records we discussed during the mediation, and I have taken the liberty of drafting a settlement agreement that you can review and electronically sign online from your computer or smartphone.

With respect to the portion of Request 38.2023 seeking "completed and unredacted records related to Drivelocker Invoice #4531 dated 5/21/23 for Right-to-Know work from 4/11/2023 to 5/31/2023," the Borough is going to be unable to provide those records for the reasons set forth in the Borough's partial denial of your request. The

current settlement proposal carves out this portion of your request/appeal so that you can, if you desire, receive a final determination from the OOR as to that portion; however, I would be remiss if I did not ask whether you would also be willing to withdraw your appeal as to this item, as well, to entirely wrap up this appeal.

If you are, instead, willing to withdraw the entirety of your appeal, I would be happy to send over a revised settlement agreement. Please kindly advise.

Also, this is dated for today, and I'd appreciate receiving your signature today so we can get you the records as soon as possible.

You can sign and review the settlement agreement here:

[Click here to e-sign the document.](#)

Thank you.

**J. Chadwick Schnee, Esq.**



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