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April 24, 2020

Via Email and Regular Mail to:

The Honorable Tom Wolf
508 Main Capitol Building
Harrisburg, Pennsylvania 17120

Dear Governor Wolf:

On April 23, 2020, the Community, Economic & Recreational Development and Veterans Affairs & Emergency Preparedness Committees of the Pennsylvania Senate convened a Joint Public Hearing on the Administration's COVID-19 Response and Impacts. During that hearing, several members of the Committees questioned the availability of records relating to the process by which businesses could request a waiver or exemption from the business closure order of March 19, 2020.

Dennis Davin, Secretary for the Department of Community and Economic Development, provided testimony at this Joint Hearing. Secretary Davin acknowledged during this questioning that he was aware that numerous requests for disclosure of the list of businesses who had applied for, been granted, or been denied waivers pursuant to this program had been made. He further acknowledged that the Department of Community and Economic Development was in the process of reviewing these materials and related waiver requests for quality control purposes prior to the eventual release of these records. However, when pressed to indicate a date on which these records would be released on request, Secretary Davin declined to commit to any timeline.

As our Committee members indicated, there are serious and significant questions outstanding regarding the waiver process generally, and particularly as to the perceived inconsistencies in the Department's granting and/or denial of these requests. Answers to these questions are essential to a legislative understanding of the response to the COVID-19 pandemic, which is in turn essential to our consideration of current and future legislative proposals.

It is therefore imperative that our Committees receive the following records by no later than Wednesday, April 29, 2020:

- 1) All notes, memoranda, emails, letters, correspondence or other documents, including electronic documents, issued by or at the request or direction of the Office of the Governor related to the process by which a business could request a waiver or exemption from the Governor's business closure order of March 19, 2020, as amended or modified.
- 2) All notes, memoranda, emails, letters, correspondence or other documents, including electronic documents, issued by or to the Department of Community and Economic Development related to the process by which a business could request a waiver or

exemption from the Governor's business closure order of March 19, 2020, as amended or modified.

- 3) All notes, memoranda, emails, letters, correspondence or other documents, including electronic documents, issued by or at the request or direction of the Office of the Governor related to the criteria by which a business request for a waiver or exemption from the Governor's business closure order of March 19, 2020, as amended or modified, would be evaluated and either granted or denied.
- 4) All notes, memoranda, emails, letters, correspondence or other documents, including electronic documents, issued by or to the Department of Community and Economic Development related to the criteria by which a business request for a waiver or exemption from the Governor's business closure order of March 19, 2020, as amended or modified, would be evaluated and either granted or denied.
- 5) Any and all training materials utilized in training employees of the Department of Community and Economic Development related to the evaluation of waiver or exemption requests.
- 6) A list of all businesses or other entities that requested a waiver or exemption from the Governor's March 19, 2020 business closure order, as amended or modified.
- 7) Any list of businesses or other entities provided to the Pennsylvania State Police by or at the direction of the Department of Community and Economic Development or Office of the Governor regarding businesses permitted to operate notwithstanding the March 19, 2020 business closure order.
- 8) A list of all businesses or other entities who were granted a waiver or exemption from the Governor's March 19, 2020 business closure order, as amended or modified.
- 9) A list of all businesses or other entities who were denied a waiver or exemption from the Governor's March 19, 2020 business closure order, as amended or modified.
- 10) A list of all businesses or other entities who were granted waivers or exemptions to remain open notwithstanding the Governor's March 19, 2020 business closure order, as amended or modified, but whose waivers/exemptions were subsequently modified or amended together with an explanation of the reason for the modification or amendment.
- 11) A list of all businesses or other entities who were advised that no waiver or exemption was being issued because the business or entity was classified as an essential business on the March 19, 2020 business closure order and no such waiver or exemption was required.
- 12) All correspondence, emails, or other documents, including electronic documents, submitted to the Department of Community and Economic Development by any entity or individual requesting a waiver or exemption from the March 19, 2020 business closure order, as amended or modified.
- 13) All correspondence, emails, or other documents, including electronic documents, issued by the Office of the Governor and/or Secretary of Health to a business or other entity in response to a waiver or exemption request related to the March 19, 2020 business closure order, as amended or modified.
- 14) All correspondence, emails, or other documents, including electronic documents, issued by the Department of Community and Economic Development to a business or other entity in response to a waiver or exemption request related to the March 19, 2020 business closure order, as amended or modified.

We have made this request directly to Secretary Davin, but recognize that some of these records may have been issued by your Office, and are therefore in your possession and control. Indeed, we understand that all correspondence granting a waiver or exemption to the business closure order was issued under your signature. To the extent that the above records are within your possession or control, we respectfully request that you provide same pursuant to this request and/or direct appropriate personnel in any Commonwealth agency under your oversight and control to do so.

Records should be delivered to the Office of Senator Mike Regan, 15 East Wing, Main Capitol, Harrisburg, PA 17120-3031. As the Senate will be in session on April 29, 2020, appropriate staff will be in the office to take delivery of these records on that date. In the event that the requested records are not provided as set forth above, we are prepared to take any appropriate additional steps to compel the delivery of these records.

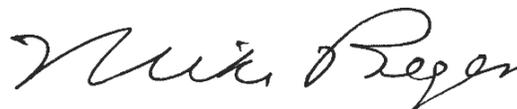
Any questions or comments regarding these records can be directed to the undersigned.

Thank you in advance for your anticipated cooperation.

Sincerely,



Senator Tom Killian
Chairman, Senate Community, Economic &
Recreational Development Committee



Senator Mike Regan
Chairman, Senate Veterans Affairs &
Emergency Preparedness Committee