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## One-on-One with State Rep. Dwight Evans



*Government Affairs News sits down with Pennsylvania State Rep. and Democratic Congressional primary candidate Dwight Evans.*

**Government Affairs News:** The candidates you have endorsed have been very successful of late. What do you look for in a candidate?

**Rep. Evans:** In my mind, candidates who have the ability to govern and to bring people together while demonstrating a clear agenda for the future typically have the most success at the ballot box. As a case in point, Tom Wolf was polling at 2 percent when I first decided to join his campaign, and he is now governor. Similarly, the recently inaugurated Jim Kenney was not at the top of the field when I decided to support him for mayor of Philadelphia. In the governor’s case, I saw a person who had a clear vision of what he wanted to do for the commonwealth. While his biography was dissimilar from that of many traditional Democratic candidates, he had a great deal of private sector management experience from running his own company. I liked that he could run something successfully, build consensus and apply what he learned as an executive to his role as the leader of this commonwealth.

In the most recent mayoral race, Jim Kenney’s 23 years as a councilman-at-large, representing the entire city, gave me confidence that he could bring people together. Consider that the last two legislators elected mayor were district council people. Conversely, representing the entire city brought a sorely needed broad-based aspect to his campaign that I felt would make him successful.

**GAN:** Mayor Kenney ultimately made you a co-chair of his transition team. What are the top priorities going to be for Mayor Kenney’s administration?

**Rep. Evans:** Philadelphians can expect the mayor to make addressing poverty a priority, while prisoner re-entry, career-based job training for the unemployed and eliminating “stop and frisk” will be central to his policy agenda.

**GAN:** What advice would you give a young professional who is new to Philadelphia and who might want to get involved in public service?

**Rep. Evans:** In my book, *Making Ideas Matter*, I argue that it should be the consequential ideas of candidates that have the most significant effect on our political

# Pennsylvania Governmental Case Law Update

By Karl S. Myers

The Pennsylvania Commonwealth Court has decided a number of noteworthy recent cases affecting government agencies and the rights of government contractors in Pennsylvania:

- A government agency contractor has a due process right to file an appeal from an adverse Right-to-Know law determination requiring disclosure of the contractor's trade secrets and confidential information, even though the law states that only the agency or record requester may file an appeal. (*West Chester University v. Schackner*, Sept. 17, 2015)
- A prospective government contractor's bid protest was timely filed within the seven-day statutory deadline for filing of protests, where the contractor submitted its protest to the agency via email on the seventh day, but the agency's server rejected the email due to the server's email formatting restrictions. (*Bureau Veritas North America v. Department of Transportation*, Nov. 3, 2015)
- An agency may use an email retention policy that provides limited discretion to agency employees to delete email messages an employee deems "transitory" or "non-record" under the Right-to-Know law, as the law does not force an agency to hold all email messages for any period of time or save them for potential requests for disclosure under the Law. (*PG Publishing v. Office of Administration*, July 9, 2015)
- An agency properly denied a request under the Right-to-Know law as insufficiently specific, where the request

was not limited by subject and instead was for all email messages of an agency official over a one-year period, thus rendering the request "a fishing expedition."

(*Department of Education v. Pittsburgh Post-Gazette*, July 14, 2015)

- A government contractor has the right to have a case remanded to the Office of Open Records so the contractor can argue that it shared confidential and secret documents with the agency that are exempt under the Right-to-Know law, where the agency fails to promptly notify the contractor of its right to participate. (*Department of Conservation & Natural Resources v. Vitali*, July 7, 2015, and *Department of Corrections v. Maulsby*, July 23, 2015) ■



**Karl S. Myers** represents government entities and contractors in governmental litigation matters, including proceedings involving the Pennsylvania Right-to-Know Law, bid protests and state constitutional disputes, and also provides advice and counsel concerning election and political law matters. For more information, please contact Karl at 215-564-8193 or [kmyers@stradley.com](mailto:kmyers@stradley.com).

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## People News



Stradley Ronon Chairman **William Sasso** was recognized by the *Philadelphia Business Journal* as one of the Philadelphia region's "Most Admired CEOs." Honorees were chosen for their established leadership, innovation in their field, outstanding financial performance, commitment to quality, strong vision, commitment to diversity in the workplace and contributions to the Greater Philadelphia/New Jersey region.



Government & Public Affairs Chair **John Saler** was appointed to the Children's Hospital of Philadelphia (CHOP) Corporate Council. Made up of civic leaders, members of the council act as public ambassadors for CHOP and are committed to advancing the hospital's research, teaching, clinical priorities, innovative research initiatives and programmatic activities.



Partner **Steven B. Davis** spoke at the Association of Insurance Compliance Professional's 28th Annual Conference in New Orleans, Louisiana. Davis served as a panelist for "Worried About a Single State Policy? Try A Multi-State One," which provided an overview and practical tips for programs insuring multi-state risks.



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**The Commonwealth Court Historical Society** is holding an event on Feb. 9, 2016, entitled "How Presidential Legacies are Built (or Torn Down)," which will feature Professor Michael J. Gerhardt of the University of North Carolina School of Law. Professor Gerhardt specializes in constitutional conflicts and has been active as a special counsel, scholar, adviser, expert witness and public commentator on all the major conflicts between presidents and Congress over the past quarter century. Please use [this link](#) for registration and additional information. **Steven B. Davis** is on the board of the Commonwealth Court Historical Society.



**Andy Levine, Josh Shapiro and Mark Schweiker** all served on panels during the Keystone Conference held at the University of Pennsylvania. Andy moderated the "Growth Through Energy" panel in which experts discussed the ways in which Pennsylvania can overcome regulation reform, structural innovation, workforce education and other obstacles to leverage the area's energy resources to benefit the economy. Josh served on the "Fixing Municipal Finances" panel, which featured a discussion on ways to secure the financial future of municipalities in the Commonwealth. Mark was on the "Sustainable Cities" panel, which reviewed the rewards the state could reap by investing in this area and the challenges that lie ahead and how economic advantages of renewable energy, green building, sustainable means of travel, could put Pennsylvania on the cutting edge of a new frontier. ■

## One-on-One with Dwight Evans

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process — not campaign contributions! For millennials today, their involvement might center on doing something about astronomical student debt because it affects their ability to be an entrepreneur, to rent, to buy a house and to determine when to get married or start a family. Aligning yourself with political candidates, causes or initiatives that address an issue that has a profound impact on your life, like student debt, is a worthwhile place to begin to improve the quality of your life.

**GAN:** What is one unresolved issue or piece of legislation that you wish you could have accomplished?

**Rep. Evans:** The current state of the commonwealth's 2015-2016 budget leaves me embarrassed. We as a

legislature ought to be ashamed that we have not yet passed something on behalf of the people. Apart from that, I have learned over a 36-year legislative career, four spent as appropriations chairman, that it takes time to get substantive things done in a democracy. Whether in the economic development realm, pushing for raised education standards in Pennsylvania or ensuring that Philadelphia enjoys more than its fair share of transportation funding, I found that even though my priorities took time to accomplish, there isn't anything that stands out as unaccomplished for me personally. An instructive example is the 16 years that a friend of mine, former Rep. Dave Richardson, spent working to pass legislation that eliminated a state practice of putting liens on the homes of welfare recipients. Although it took Rep. Richardson a long time to accomplish, this important initiative that aided many people ultimately passed, and Gov. Casey signed this initiative into law. ■