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OF COUNSEL
RICHARD E. CONNELL

January 28, 2022

Via Electronic Mail

Joshua T. Young, Esquire
Commonwealth of Pennsylvania
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

Re: Right-to-Know Law Appeal – Docket # AP 2021-2799
Susan Spicka v. Commonwealth Charter Academy Charter School

Dear Attorney Young:

By email dated January 24, 2022, you asked Commonwealth Charter Academy Charter School (CCA) to submit supplemental evidence in the above docketed appeal. The enclosed supplemental statement, Statement of Timothy A. Eller, will serve as CCA's response to your request for additional information on responsive invoices.

Respectfully submitted,

Katherine M. Fitz-Patrick

Katherine M. Fitz-Patrick, Esq.
Philip J. Murren, Esq.
Ball, Murren & Connell, LLC
2303 Market Street
Camp Hill, PA 17011
Counsel for Commonwealth Charter Academy

cc: Susan Spicka (via electronic mail)
John Bowser (via electronic mail)

Enclosures

**COMMONWEALTH OF PENNSYLVANIA
OFFICE OF OPEN RECORDS**

SUSAN SPICKA	:
Requester,	:
	:
v.	: Docket # AP 2021-2799
	:
COMMONWEALTH CHARTER	:
ACADEMY CHARTER SCHOOL,	:
Respondent.	:

STATEMENT OF TIMOTHY A. ELLER

By email dated January 24, 2022, Joshua Young, Esq., the Appeals Officer assigned to *Susan Spicka v. Commonwealth Charter Academy Charter School*, Docket # AP 2021-2799, requested additional information on the following:

- Please identify and describe all of the responsive invoices in the possession of either the Charter School or Target Media;
- With respect to the responsive invoices seemingly possessed by Target Media, please explain who created the invoices and which entity ultimately paid them. If the invoices were paid by Target Media, please confirm whether the contract between the Charter School and Target Media mandated that the Charter School approve any such payment before their processing. If the invoices were exchanged between Target Media and representatives of the Parade, please note as much and confirm whether the funds, to the extent they were paid by Target Media, were part of the “strategic media and marketing consulting services” provided under contract with the Charter School or if they resulted in the expenditure of additional Charter School funds.

In her appeal, Susan Spicka (Requester), requested the following:

1. An invoice or other documentation that shows the cost of the parade balloon that was used in the November 2021 6abc Dunkin’ Donuts Thanksgiving parade in Philadelphia.
2. An invoice or other documentation that shows the cost to enter CCA group in the November 2021 6abc Dunkin’ Donuts Thanksgiving parade in Philadelphia.
3. An invoice or other documentation that shows the cost of promotional spot for CCA during the November 2021 6abc Dunkin’ Donuts Thanksgiving parade in Philadelphia.

Since the affidavit I submitted as part of CCA’s original submission sets forth that CCA did not purchase, lease, rent, enter, or request a balloon or float in the Parade, and CCA did not enter a group in or request individuals to participate in the Parade, I will provide additional detail related to invoices in general and the request for invoices related to the cost of promotional spot.

In March 2021, Commonwealth Charter Academy (CCA) contracted with Target Media, Inc. (Target) to provide media consulting and placement services for traditional media, e.g., TV, radio, outdoor, print. CCA's Board of Trustees (Board) also approved the costs for the contracted services, including fees and media buys. CCA is invoiced for media buys and fees associated with services provided by Target. Such invoices come from Target to my attention at CCA.

CCA did not pay for a promotional spot for CCA during the November 2021 6abc Dunkin' Donuts Thanksgiving parade in Philadelphia (Parade); consequently, CCA has not and will not receive an invoice from Target for a promotional spot for CCA during the Parade.

CCA did purchase a sustaining media package that included the Parade from 6abc through Target. A sustaining media package differs from a promotional spot or advertising in that it is a way CCA maintains an active role in the communities it serves. Due to the nature of the contract between CCA and Target, the costs approved by the Board, and how CCA is invoiced for fees and media buys, CCA has not and will not receive an invoice from Target that individually sets forth the costs of such sustaining media package.

To state in other words, the sustaining media package for the Parade is part of the contracted services provided by Target to CCA, which did not result in the expenditure of additional Charter School funds.

I, Timothy A. Eller, certify, under penalty of perjury of the state of Pennsylvania, that the information provided herein is true and correct to the best of my knowledge.

Date: January 28, 2022



Timothy A. Eller
Senior Vice President of Outreach and Government Relations
Commonwealth Charter Academy

COMMONWEALTH OF PENNSYLVANIA
OFFICE OF OPEN RECORDS

Susan Spicka

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v.

: **Docket # AP 2021-2799**

Commonwealth Charter Academy
Charter School

CERTIFICATE OF SERVICE

I, Katherine M. Fitz-Patrick, hereby certify that on January 28, 2022, a true and correct copy of CCA's Supplemental Statement of Timothy A. Eller was served via electronic mail upon:

Susan Spicka
Education Voters of PA
sspicka@educationvoterspa.org

John Bowser
Target Media
John@targetmediausa.com

Katherine M. Fitz-Patrick

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