

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

WILLIAM J. GREEN, IV., *Individually* :
and in his official capacity as Chairman of :
the School Reform Commission, :

Petitioner : **No. 256 MD 2016**

v.

THOMAS W. WOLF, *in his official* :
capacity as Governor of the :
Commonwealth of Pennsylvania, and :
SCHOOL REFORM COMMISSION :
OF THE SCHOOL DISTRICT OF :
PHILADELPHIA and MARJORIE :
NEFF, :

Electronically Filed Document

Respondents :

NOTICE TO PLEAD

You are hereby notified to file a written response to respondent's Preliminary Objections within 30 days from service hereof, or a judgment may be entered against you.

Respectfully submitted,

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Solicitor General

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Counsel for Respondent Wolf

Date: July 5, 2016

legal conclusions or arguments or opinions or unwarranted inferences. *See Griffin v. Chronister*, 616 A.2d 1070 (Pa. Cmwlth. 1992). Furthermore, this Court may not supply facts that Petitioner has omitted from his pleading. *See Linda Coal & Supply Co. v. Tasa Coal Co.*, 204 A.2d 451 (Pa. 1964); *see also United Rehnerator Company v. Applebaum*, 189 A.2d 253 (Pa. 1963) (where necessary facts are not pled, preliminary objections should be sustained). Petitioner cannot rely on factually-unsupported conclusions. *Miketic v. Baron*, 675 A.2d 324 (Pa. Super. 1996); *Commonwealth v. Zanella Transit*, 417 A.2d 860 (Pa. Cmwlth. 1980). And, with this standard, it must also be stressed that Pennsylvania is a fact-pleading state. Pa. R. Civ. P. 1019(a); *General State Authority v. Sutter*, 402 A.2d 1022 (Pa. Cmwlth. 1979).

MATERIAL FACTUAL ALLEGATIONS

2. On April 19, 2016, Petitioner, through his attorney, filed a Petition for Review in the Nature of a Complaint for Quo Warranto, Mandamus, Declaratory, and Injunctive Relief (“PFR”). Commonwealth Respondent filed Preliminary Objections and, on May 24, 2016, Petitioner filed an Amended Petition for Review. Exhibit 1. Through this pleading, Petitioner seeks quo warranto relief, mandamus relief, and declaratory relief. *Id.*²

² The Amended Petition for Review asserts the quo warranto claim against all three Respondents including Governor Wolf—Count I, a mandamus action against Governor Wolf—Count II, a mandamus action against the PSRC—Count III, and a declaratory judgment claim against all Respondents including Governor Wolf.

3. In December of 2001, the Pennsylvania Secretary of Education declared the Philadelphia School District to be distressed and, pursuant to state law, the Philadelphia School Reform Commission was established (“PSRC”). Amended PFR, ¶ 7.

4. When fully staffed, the PSRC has five members—three of whom are appointed by the Governor and two of whom are appointed by the Mayor of Philadelphia. Amended PFR, ¶ 9. The terms of these members are set forth by statute. *Id.*

5. On January 17, 2014, former Governor Corbett nominated Petitioner to be one of the members of the PSRC and to serve until January 18, 2014. Amended PFR, ¶ 18, Exhibit B.³

6. On February 4, 2014, the Senate notified Petitioner that it had acted favorably on his nomination to the PSRC. Amended PFR, ¶ 19, Exhibit C.

7. On February 5, 2014, Petitioner received a letter from former Governor Corbett informing Petitioner that the Senate had confirmed his appointment as a member of the PSRC. Amended PFR, ¶ 20, Exhibit D. Former Governor Corbett also notified Petitioner that his commission would follow. *Id.*

Since Count III is only alleged against the PSRC, Governor Wolf need not respond to it.

³ Commonwealth Respondent believes that the date was a typo. Petitioner’s allegations attempt to characterize documents and we will note the actual language of the exhibits provided, which are part in parcel of the Amended PFR.

8. The commission makes clear that Petitioner was appointed to be a member of the PSRC and that his term as a member of the PSRC began on February 4, 2014 and would expire on January 18, 2019. Amended PFR, ¶ 20, Exhibit D.

9. Thereafter, former Governor Corbett named Petitioner to be the chair of the PSRC. Amended PFR, ¶ 21; Exhibit E. Petitioner took the oath of office. Amended PFR, ¶ 22; Exhibit F.

10. Petitioner served as chair for over a year. Amended PFR, ¶ 23.

11. On March 2, 2015, Governor Wolf named Marjorie Neff as the chair of the PSRC. Amended PFR, ¶¶ 24, 27, Exhibits G, H. Petitioner remains a member of the PSRC. Amended PFR, ¶ 29.

12. As noted, Petitioner commenced filed the present lawsuit on April 19, 2016 and filed the Amended Petition for Review on May 24, 2016.

PRELIMINARY OBJECTION I—DEMURRER—PA. R. CIV. P. 1028(a)(4)

13. Commonwealth Respondent incorporates ¶¶ 1-12 as if fully set forth. Additionally, Governor Wolf has filed a Brief in Support of these Preliminary Objections and all arguments presented there are incorporated here as if fully set forth.

14. Governor Wolf is the Chief Executive of the Commonwealth of Pennsylvania and holds the office of Governor of the Commonwealth of Pennsylvania. Pa. Const., Art. IV, Section 2.

15. Petitioner claims that Governor Wolf, in his official capacity as the Governor of the Commonwealth, improperly replaced him with Neff as the chair of the PSRC in violation of 24 P.S. § 6-696.

16. Petitioner's claims are subject to a six-month statute of limitations. *See* 42 Pa.C.S. § 5522(b)(1).

17. According to the Petitioner, however, Governor Wolf replaced him as the chair of the PSRC on March 2, 2015.

18. As such, Petitioner's claims—regardless of the relief he seeks or the cause of action asserted—are time-barred and, therefore, his Amended Petition for Review must be dismissed with prejudice. *See* 42 Pa.C.S. § 5522(b)(1); *Township of Bensalem v. Moore*, 620 A.2d 76, 80 (Pa. Cmwlth. 1993) (denying mandamus action because it was filed more than six months after the termination of the individual).

WHEREFORE, Commonwealth Respondent respectfully requests that this Court sustain these Preliminary Objections and dismiss the Amended Petition for Review with prejudice.

PRELIMINARY OBJECTION II—DEMURRER—PA. R. CIV. P. 1028(a)(4)

19. Commonwealth Respondent incorporates ¶¶ 1-18 as if fully set forth. Additionally, Governor Wolf has filed a Brief in Support of these Preliminary Objections and all arguments presented there are incorporated here as if fully set forth.

20. In Count I, Petitioner has attempted to bring a quo warranto action against Governor Wolf. Amended PFR, Count I.

21. In Count I, Petitioner alleges that Governor Wolf improperly replaced him as the chair of the PSRC. Amended PFR, ¶¶ 35, 38.

22. Case law is clear, however, that quo warranto is not the appropriate cause of action to challenge Petitioner's replacement as the chair of the PSRC by Governor Wolf. *See Gernet v. Lindsay*, 2 Pa. Cmwlt. 576 (1971).

23. Put another way, quo warranto is the cause of action to remove another person from an office. *See Spykerman v. Levy*, 421 A.2d 641, 648-49 (Pa. 1980) (recognizing that quo warranto action is designed to remove a person from office).

24. As such, Petitioner's quo warranto action against Governor Wolf is without merit and Count I of his Amended Petition for Review—as alleged against Governor Wolf—must be dismissed.

WHEREFORE, Commonwealth Respondent respectfully requests that this Court sustain these Preliminary Objections and dismiss the Amended Petition for Review with prejudice.

PRELIMINARY OBJECTION IV—PA. R. CIV. P. 1028(a)(4)—
DEMURRER

25. Commonwealth Respondent incorporates ¶¶ 1-24 as if fully set forth. Additionally, Governor Wolf has filed a Brief in Support of these Preliminary Objections and all arguments presented there are incorporated here as if fully set forth.

26. In Count II, Petitioner seeks to have this Court, through an action in mandamus, compel Governor Wolf to reinstall him as chair of the PSRC.

27. For more than a year, however, another individual has held the position of chair of the PSRC.

28. Mandamus is extraordinary relief and is only available to compel the doing of a ministerial act. *See Smires v. O'Shell*, 126 A.3d 383 (Pa. Cmwlth. 2015).

29. Here, Petitioner seeks to compel Governor Wolf to re-name him as the chair of the PSRC and he argues that Neff is improperly holding the position of chair at this time. Given that this is Petitioner's real complaint, mandamus against Governor Wolf is improper and cannot be used to try the title to an office. *See also Reed v. Harrisburg City Council*, 995 A.2d 1137 (Pa. 2010) (“[g]enerally, a quo

warranto action is the exclusive means of challenging the title or right to public office”).

30. As such, Petitioner’s Amended Petition for Review must be dismissed.

WHEREFORE, Commonwealth Respondent respectfully requests that this Court sustain these Preliminary Objections and dismiss the Amended Petition for Review with prejudice.

PRELIMINARY OBJECTION V—PA. R. CIV. P. 1028(a)(4)—DEMURRER

31. Commonwealth Respondent incorporates ¶¶ 1-30 as if fully set forth. Additionally, Governor Wolf has filed a Brief in Support of these Preliminary Objections and all arguments presented there are incorporated here as if fully set forth.

32. In Count IV, Petitioner has sued Governor Wolf and seeks a declaration that the Governor may only remove him as chair of the PSRC for “cause.”

32. While Petitioner has improperly failed to plead his quo warranto and mandamus causes of action, and while such claims are now barred by the statute of limitations, if Petitioner had properly and timely pled such causes of action, and if Petitioner were able to ultimately establish entitlement to relief on such causes of action, these claims would have provided vehicles for him to seek relief.

33. Because Petitioner would have had the potential—again, if he had timely and adequately pled and established them—to allege alternative remedies, his claim for declaratory relief fails. *See Pittsburgh Palisades Park, LLC v. Pennsylvania State Horse Racing Commission*, 844 A.2d 62 (Pa. Cmwlth. 2004), *app. quashed*, 852 A.2d 310 (Pa. 2004), *app. denied*, 864 A.2d 1206 (Pa. 2004) (“an action seeking declaratory judgment is not an optional substitute for established or available remedies and should not be granted where a more appropriate remedy is available”) (citing *Greenberg v. Blumberg*, 206 A.2d 16 (Pa. 1965)). Additionally, since Petitioner has no right to be reinstated as chair, he improperly asks this Court for an advisory opinion. *See, e.g., Rendell v. Pennsylvania State Ethics Commission*, 938 A.2d 554, 559-61 (Pa. Cmwlth. 2007) (collecting cases).

34. Accordingly, Petitioner’s Amended Petition for Review is without merit.

WHEREFORE, Commonwealth Respondent respectfully requests that this Court sustain these Preliminary Objections and dismiss the Amended Petition for Review with prejudice.

PRELIMINARY OBJECTION VII—PA. R. CIV. P. 1028(a)(4)—
DEMURRER

35. Commonwealth Respondent incorporates ¶¶ 1-34 as if fully set forth. Additionally, Governor Wolf has filed a Brief in Support of these Preliminary

Objections and all arguments presented there are incorporated here as if fully set forth.

36. As noted, Petitioner's claim is that he was replaced by Governor Wolf as chair of the PSRC and that this replacement violated 24 P.S. § 6-696.

37. Petitioner acknowledges, as he must, that he remains a member of the PSRC. Amended PFR, ¶ 29.

38. The position of chair is not a separate and distinct "civil office" or "public office" as that phrase has been defined by our courts. *See Werner v. Zazyczny*, 681 A.2d 1331 (Pa. 1996).

39. Petitioner further misreads this statute. To that end, while the statute clearly imposes substantive and procedural requirements on the removal of a member from the PSRC, there is nothing in the statute that conditions the removal of a person from being the chair. *See* 24 P.S. § 6-696. Indeed, the statute imposes no fixed term on anybody holding the position of chair and the statute does not impose any substantive or procedural requirement on the removal of a person as chair. *Id.* Likewise, the statute vests no authority or power in the chair. *Id.* In other words, even if the chair were a separate and distinct "civil office" or "public office" the statute at issue does not expressly limit Governor Wolf's ability to name a chair. Similarly, the legislative remarks and the structure of the PSRC and the policy behind the PSRC do not limit Governor Wolf's constitutional authority

to replace the chair of the PSRC. *See generally Venesky v. Ridge*, 780 A.2d 862 (Pa. Cmwlth. 2002), *aff'd per curiam without opinion*, 809 A.2d 899 (Pa. 2002); *see also Arneson v. Wolf*, 117 A.3d 374 (Pa. Cmwlth. 2015); *Arneson v. Wolf*, 124 A.3d 1225 (Pa. 2015).

40. Over the course of time that the PSRC has existed, individuals have been selected and appointed as chair while holding (or subsequent to taking) their position(s) as a member of the PSRC.

41. As such, Petitioner's Amended Petition for Review is without merit.⁴

⁴ Petitioner's Amended PFR omits his previous stand-alone claim for injunctive relief. As such, that claim is no longer before this Court. *See Lindeman v. Borough of Meyersdale*, 131 A.3d 145, 151 (Pa. Cmwlth. 2015) (recognizing that permanent injunction is relief and is warranted if no adequate remedy exists for a legal wrong). Nevertheless, the prayer for relief seeks a permanent injunction prohibiting Governor Wolf from "making any further attempts to remove Green from the office of Chairman of the SRC absent cause." This request must also be denied. In order to obtain permanent injunctive relief, Petitioner "must establish" that his "right to relief is clear" and that the "injunction is necessary to avoid an injury that cannot be compensated by damages" and that "greater injury will result if the court does not grant the injunction than if it does." *Mazin v. Bureau of Professional and Occupational Affairs*, 950 A.2d 382, 389 (Pa. Cmwlth. 2008) (citing *Kuznik v. Westmoreland County Board of Commissioners*, 902 A.2d 476 (Pa. 2006)). Here, for all of the reasons set forth in our filings, Petitioner does not have a clear right to relief. Second, he has failed to articulate any injury or damage to him that has been purportedly caused by his replacement and, indeed, he remains a member of the PSRC entitled to the same single vote as he had before. And, finally, entering an injunction that prevents the Governor from exercising his constitutional duties certainly results in far more harm than allowing Petitioner to continue his service as a member of the PSRC.

WHEREFORE, Commonwealth Respondent respectfully requests that this Court sustain these Preliminary Objections and dismiss the Amended Petition for Review with prejudice.

Respectfully submitted,

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Solicitor General

BRUCE R. BEEMER
First Deputy Attorney General

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Date: July 5, 2016

EXHIBIT 1

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

WILLIAM J. GREEN, IV, individually and in his official
capacity as Chairman of the School Reform
Commission,

Petitioner,

vs.

THOMAS W. WOLF, in his official capacity as
Governor of the Commonwealth of Pennsylvania;
THE SCHOOL REFORM COMMISSION OF THE
SCHOOL DISTRICT OF PHILADELPHIA; and MARJORIE
NEFF, in her official capacity as member and
putative Chair of the School Reform Commission,
Respondents.

No. 256 MD 2016
ORIGINAL
JURISDICTION

NOTICE TO PLEAD

**TO: GOVERNOR THOMAS W. WOLF; SCHOOL REFORM COMMISSION OF THE
SCHOOL DISTRICT OF PHILADELPHIA; MARJORIE NEFF**

You are hereby notified to file a written response to the enclosed Amended
Petition for Review within thirty (30) days from service hereof or a judgment may
be entered against you.

Date: May 24, 2016



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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

WILLIAM J. GREEN, IV, individually and in his official
capacity as Chairman of the School Reform
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THOMAS W. WOLF, in his official capacity as
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NEFF, in her official capacity as member and
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Respondents.

No. 256 MD 2016
ORIGINAL
JURISDICTION

**AMENDED PETITION FOR REVIEW IN THE NATURE OF A COMPLAINT FOR QUO
WARRANTO, MANDAMUS, DECLARATORY, AND INJUNCTIVE RELIEF**

On March 2, 2015, Governor Thomas W. Wolf ("Gov. Wolf"), attempted to do what is prohibited by section 696 of the Public School Code of 1949 ("section 696"): remove Petitioner William J. Green, IV ("Green") from the office of Chairman of the School Reform Commission ("SRC") prior to the expiration of his term, absent "proof by clear and convincing evidence of malfeasance or misfeasance in office" and without written statement or opportunity for a hearing. 24 P.S. § 6-696(b)(2). In doing so, Gov. Wolf ignored the clear intent of

the General Assembly, articulated most clearly in the text of section 696, that the SRC remain a unique, independent body, insulated from the coercive influence of a Governor.

Accordingly, Green, by and through his undersigned counsel, files this Amended Petition for Review in the Nature of a Complaint for Quo Warranto, Mandamus, Declaratory, and Injunctive Relief pursuant to Pennsylvania Rule of Civil Procedure 1028(c)(1). In support thereof, Green alleges the following:

BASIS FOR JURISDICTION

1. Green files this Amended Petition for Review in this Court's original jurisdiction pursuant to the Pennsylvania Declaratory Judgments Act, 42 Pa.C.S. §§ 7531-7541.

2. This Court has jurisdiction under section 761(a) of the Judicial Code, 42 Pa.C.S. § 761(a)(1)-(2).

PARTY SEEKING RELIEF

3. Petitioner Green is the rightful Chairman of the SRC. He brings this action in his individual and official capacities.

GOVERNMENT UNIT AND OTHER INDISPENSIBLE PARTIES

4. Respondent Gov. Wolf is the Governor of the Commonwealth of Pennsylvania. This action is brought against Gov. Wolf in his official capacity as Governor.

5. Respondent SRC is an independent instrumentality of the School District of Philadelphia ("District"), which exercises the powers of the traditional board of school directors. 24 P.S. § 6-696. The SRC is responsible for the operation, management, and educational programs of the District, which receives funding from local, state,¹ and federal sources. Id.

6. Respondent Marjorie Neff ("Neff") is a member of the SRC and putative—but not lawful—Chair of the SRC. This action is brought against Neff in her official capacity.

GENERAL STATEMENT OF MATERIAL FACTS

7. In December 2001, the Pennsylvania Secretary of Education declared that the District was in financial distress and established the SRC pursuant to section 696.

1. See 24 P.S. §§ 25-2501 - 25-2599.5.

8. Since that time—and in accordance with section 696—the SRC has been responsible for the operation, management, and educational programs of the District, for the benefit of the public. See 24 P.S. § 6-696(e).

9. By statute, the SRC is a five-member commission. 24 P.S. § 6-696(b). Members of the SRC are appointed to fixed terms, staggered both with each other's terms and with the term of the Governor. 24 P.S. § 6-696(b)(1)(v)(A)-(B). Three members are appointed by the Governor and serve five-year terms, and two members are appointed by the Mayor of Philadelphia and serve four-year terms. Id. SRC members are prohibited from holding any other public office or serving as an officer of a political party. 24 P.S. § 6-696(b)(6).

10. Members appointed to the SRC by the Governor require Senate approval. 24 P.S. § 6-696(b)(3).

11. The Governor is further charged with appointing the Chairman of the SRC. 24 P.S. § 6-696(a).

12. The Chairman of the SRC serves in a civil office separate and distinct from the other members of the SRC and is responsible for “presid[ing] over the work of the entire SRC,” the grave and important work of which includes scheduling SRC meetings, establishing meeting agendas, establishing SRC committees, and appointing committee members. A true and correct copy of SRC

Board Policies No. 005 and 006 are attached as composite Exhibit A and incorporated by reference.

13. The Chairman of the SRC consults directly with the superintendent regarding negotiating strategy on labor contract issues and assumes the statutory duties of the President of the local board of school directors, including “execut[ing] any and all deeds, contracts, warrants to tax collectors, reports, and other papers pertaining to the business of the board, requiring the signature of the president.” 24 P.S. § 4-427.

14. Traditionally,² and at the time the General Assembly considered and ultimately passed section 696, a Chairman was understood to be a distinct “presiding officer”³ whose duties include the following:

- 1) To open the meeting at the appointed time by taking the chair and calling the meeting to order, having ascertained that a quorum is present.
- 2) To announce in proper sequence the business that comes before the assembly or becomes in order in accordance with the prescribed order of business,

2. GEN. HENRY M. ROBERT, POCKET MANUAL OF RULES OF ORDER FOR DELIBERATIVE ASSEMBLIES § 40 (1st ed. 1876), available at <http://www.gutenberg.org/cache/epub/9097/pg9097.txt>.

3. Likewise, Merriam-Webster defines “chairman” chiefly as “the presiding officer of a meeting, organization, committee, or event.” Merriam-Webster.com, <http://www.merriam-webster.com/dictionary/chairman>. Black’s Law Dictionary (10th ed. 2014) defines “chairman” (by reference to “chair”) chiefly as “[a] deliberative assembly’s presiding officer.”

agenda, or program, and with existing orders of the day.

- 3) To recognize members who are entitled to the floor.
- 4) To state and to put to vote all questions that legitimately come before the assembly as motions or that otherwise arise in the course of proceedings . . . and to announce the result of each vote; or, if a motion that is not in order is made, to rule it out of order. . . .
- 5) To protect the assembly from obviously frivolous or dilatory motions by refusing to recognize them.
- 6) To enforce the rules relating to debate and those relating to order and decorum within the assembly.
- 7) To expedite business in every way compatible with the rights of members.
- 8) To decide all questions of order, subject to appeal . . .
- 9) To respond to inquiries of members relating to parliamentary procedure or factual information bearing on the business of the assembly.
- 10) To authenticate by his or her signature, when necessary, all acts, orders, and proceedings of the assembly.
- 11) To declare the meeting adjourned when the assembly so votes or—where applicable—at the time prescribed in the program, or at any time in the event of a sudden emergency affecting the safety of those present.

HENRY M. ROBERT, III ET AL., ROBERT'S RULES OF ORDER NEWLY REVISED § 47 (10th ed. 2000) (internal cross-references omitted).⁴

4. For its part, the SRC has adopted Robert's Rules of Order Newly Revised, see Exh. A, the current edition of which sets forth duties identical to those listed above. See HENRY M. ROBERT, III ET AL., ROBERT'S RULES OF ORDER NEWLY REVISED § 47 (11th ed. 2011).

15. The General Assembly provided that neither the Chairman of the SRC nor any other SRC member “may be removed from office during a term” by the Governor “prior to the expiration of the term” absent “proof by clear and convincing evidence of malfeasance or misfeasance in office.” 24 P.S. § 6-696(b)(2).

16. Black’s Law Dictionary defines “public office” as “[a] position whose occupant has legal authority to exercise a government’s sovereign powers for a fixed period.” Merriam-Webster defines “office” chiefly as

- a: a special duty, charge, or position conferred by an exercise of governmental authority and for a public purpose : a position of authority to exercise a public function and to receive whatever emoluments may belong to it
- b: a position of responsibility or some degree of executive authority

Merriam-Webster.com, <http://www.merriam-webster.com/dictionary/office>.

17. Section 696 further provides that, before the Chairman or any other member of the SRC is removed from “office,” the “member must be provided with a written statement of the reasons for removal and an opportunity for a hearing[.]” 24 P.S. § 6-696(b)(2).

18. On January 17, 2014, then-Governor Tom Corbett nominated Green to serve as a member of the SRC, replacing resigning-Chairman Pedro Ramos. A

true and correct copy of the nominating letter is attached as Exhibit B and incorporated by reference.

19. On February 4, 2014, the Pennsylvania Senate confirmed Green's appointment to the SRC. A true and correct copy of the confirmation letter is attached as Exhibit C and incorporated by reference.

20. On or about February 5, 2014, Green received his fixed, five-year commission, designating his term as January 18, 2014, through January 18, 2019—after Gov. Wolf's term expires.⁵ True and correct copies of the commission and letter anticipating the commission are attached as composite Exhibit D and incorporated by reference.

21. On February 18, 2014, then-Governor Tom Corbett officially appointed Green to serve in the office of the Chairman of the SRC, "effective immediately." A true and correct copy of the appointment letter is attached as Exhibit E and incorporated by reference.

22. Later that day, on February 18, 2014, Green took the constitutional oath of office as Chairman of the SRC and began performing the powers and duties of the office of Chairman. A true and correct copy of the oath is attached as Exhibit F and incorporated by reference.

5. The ensuing gubernatorial term will begin on January 15, 2019. See Pa. Const. art. IV, § 3.

23. Following his lawful appointment to the office of Chairman of the SRC, Green diligently fulfilled the duties of his post for more than one year.

24. Despite Green's lawful appointment to the office of the Chairman of the SRC, by letter dated March 2, 2015, newly inaugurated Gov. Wolf purported to remove Green from his office and appoint a "new chairman to serve effective immediately." A true and correct copy of Gov. Wolf's letter purporting to remove Green is attached as Exhibit G and incorporated by reference.

25. Gov. Wolf did not cite any displeasure with Green's performance in his office or provide "proof by clear and convincing evidence of malfeasance or misfeasance in office." 24 P.S. § 6-696(b)(2).

26. Likewise, Gov. Wolf failed to provide Green "with a written statement of the reasons for removal" from his office or "an opportunity for a hearing[.]" Id.

27. On March 2, 2015, Gov. Wolf informed Neff, a current SRC member appointed by the Mayor of Philadelphia, that she was being appointed to the office of the Chairman of the SRC, "effective immediately." A true and correct copy of Gov. Wolf's letter appointing Neff is attached as Exhibit H and incorporated by reference.

28. In fact, Wolf removed Green for voting in a particular way and evidencing a particular vision as Chairman of the SRC with which Wolf disagreed.⁶

29. In spite of Gov. Wolf's unlawful actions, and in spite of being unceremoniously removed from the office of Chairman of the SRC, Green continues to serve as a member of the SRC.

STATEMENT OF THE RELIEF SOUGHT

30. Gov. Wolf's actions are contrary to the plain language of section 696. As a result, Green is entitled to relief in the form of (1) writ of quo warranto; (2-3) writ of mandamus; and (4) declaratory judgment. Green also requests that this Court issue a permanent injunction.⁷

6. As Wolf's spokesperson stated:

Wolf thought it was irresponsible to approve five new charter schools at a time when the school district cannot afford the approval of any new charter schools. However, the governor made this move because he believes the district cannot continue down its current path, which is putting our children at a disadvantage. The governor named Marjorie Neff as chair because she supports [Wolf's] vision for the School District of Philadelphia.

Holly Osterstein, The Brief: Is Bill Green's Political Future Over?, PHILADELPHIA, Mar. 2, 2015, available at <http://www.phillymag.com/citifed/2015/03/02/the-brief-bill-greens-political-future-over/>.

7. There is no adequate redress at law for continued violation of section 696, and the harm is "not subject to exact valuation and compensation through damage awards." Pestco, Inc. v. Associated Products, Inc., 880 A.2d 700, 710 (Pa. Super. 2005) (quoting Den-Tal-Ez, Inc. v. Siemens Capital Corp., 566 A.2d 1214,

COUNT I: QUO WARRANTO
(Petitioner against all Respondents)

31. The allegations of the foregoing paragraphs are realleged and incorporated by reference as if set forth fully herein.

32. In Pennsylvania, it is well settled that quo warranto is the exclusive means by which to determine right or title to public office. Spykerman v. Levy, 421 A.2d 641, 648 (Pa. 1980).

33. A private individual has standing to seek writ of quo warranto if the individual has a special interest or right—as distinguished from the general public interest or right—or if the individual has been specially damaged. Id.

34. Green was lawfully appointed to the office of Chairman of the SRC.

35. Gov. Wolf's purported removal of Green and purported appointment of Neff to the office of Chairman of the SRC was unlawful and prohibited by section 696.

36. Neff cannot lawfully hold the office of Chairman of the SRC.

37. Green remains the only person lawfully entitled to serve as Chairman of the SRC.

1233 (Pa. Super. 1989)). A damage award cannot compensate Green for loss of his office of Chairman.

38. Green's unlawful ouster from his office and replacement with Neff has deprived Green of his special rights and interest in the office of Chairman and prevented him from exercising his separate and distinct duties and powers as Chairman.

39. Therefore, Green is entitled to quo warranto relief.

**COUNT II: MANDAMUS AS TO GOV. WOLF
(Petitioner against all Respondents)**

40. The allegations of the foregoing paragraphs are realleged and incorporated by reference as if set forth fully herein.

41. "A court of law of competent jurisdiction issues a mandamus to a public official, board or municipality directing them to perform a particular duty which results from their official station or operation of law." Bronson v. Commonwealth Bd. of Probation and Parole, 421 A.2d 1021, 1023 (Pa. 1980).

42. Mandamus is appropriately used to effect reinstatement of a public official who was wrongfully removed from his lawful office. Gernert v. Lindsay, 2 Pa. Cmwlth. 576, 582 (Pa. Cmwlth. 1971).

43. A mandamus action alleges a failure to act and rectifies a continuing harm. See Curley v. Wetzel, 82 A.3d 418 (Pa. 2013).

44. Green was lawfully appointed to the office of Chairman of the SRC.

45. Green remains the only person lawfully entitled to serve as Chairman of the SRC.

46. The purported removal of Green by Gov. Wolf from the office of Chairman of the SRC was unlawful and prohibited by section 696.

47. Gov. Wolf's failure to act in accordance with the law is a continuing harm to Green as Green is currently prevented from exercising his duties as Chairman.

48. Gov. Wolf has a duty to reinstate Green as the Chairman of the SRC.

49. Accordingly, Green is entitled to mandamus relief.

**COUNT III: MANDAMUS AS TO THE SRC
(Petitioner against Respondent SRC)**

50. The allegations of the foregoing paragraphs are realleged and incorporated by reference as if set forth fully herein.

51. Gov. Wolf's purported removal of Green and purported appointment of Neff was void as a matter of law.

52. Accordingly, the SRC has a duty to recognize and facilitate Green's rightful entitlement to the office of Chairman. See Gernert, 2 Pa. Cmwlt. at 580 ("If plaintiff is legally a member of the Board as his complaint alleges . . . then he

is owed a legal duty by the Board to be seated . . . and mandamus can be used to compel the performance of such duty.”).

53. The SRC’s failure to act in accordance with the law is a continuing harm to Green as Green is currently prevented from exercising his duties as Chairman.

54. Green is without any other adequate and appropriate remedy.

55. Accordingly, Green is entitled to mandamus relief.

**COUNT IV: DECLARATORY JUDGMENT
(Petitioner against all Respondents)**

56. The allegations of the foregoing paragraphs are realleged and incorporated by reference as if set forth fully herein.

57. A party may obtain a declaration of existing legal rights, duties, or status by filing a petition under the Declaratory Judgments Act, 42 Pa.C.S. §§ 7531-7541.

58. The purpose of the Declaratory Judgments Act “is to settle and to afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations, and is to be liberally construed and administered.” 42 Pa.C.S. § 7541(a).

59. Gov. Wolf purported to remove Green from the office of Chairman of the SRC through his putative power under section 696.

60. The plain language and underlying legislative intent of section 696 dictates that the Governor may only remove the Chairman of the SRC for cause. 24 P.S. § 6-696(b).

61. However, Gov. Wolf believes that the Chairman of the SRC can be removed without cause and that the Chairman merely serves at the pleasure of the Governor.

62. Accordingly, there exists a dispute between Green and Respondents as to whether Gov. Wolf has the lawful authority to remove the Chairman of the SRC without cause and at his pleasure.

63. Declaratory judgment from this Court would resolve the present controversy between the parties.

64. Accordingly, Green is entitled to a declaratory judgment stating that he was unlawfully removed from office and is lawfully entitled to resume his duties as Chairman.

PRAYER FOR RELIEF

WHEREFORE, Green respectfully requests that this Court enter judgment in his favor and grant the following relief:

- A. A writ of quo warranto removing Neff as putative Chair of the SRC;
- B. A writ of mandamus requiring that Wolf and/or the SRC reinstate Green as Chairman of the SRC;
- C. Judgment declaring that the Governor can only remove the Chairman of the SRC for cause;
- D. Judgment declaring that the Governor violated section 696 by removing Green from the office of Chairman of the SRC;
- E. An injunction permanently enjoining the Governor from making any further attempts to remove Green from the office of Chairman of the SRC absent cause; and
- F. Any other declaratory or equitable relief this Court deems appropriate.

Respectfully submitted,

THE FAIRNESS CENTER



David R. Osborne

PA Attorney ID#: 318024

Karin M. Sweigart

PA Attorney ID#: 317970

225 State Street, Suite 303

Harrisburg, PA 17101

844-293-1001

david@fairnesscenter.org

karin@fairnesscenter.org

Date: May 24, 2016

VERIFICATION

I, William J. Green, IV, being subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities, hereby state that the facts set forth in the foregoing Amended Petition for Review are true and correct to the best of my knowledge, information, and belief.

Date: 5/19/16

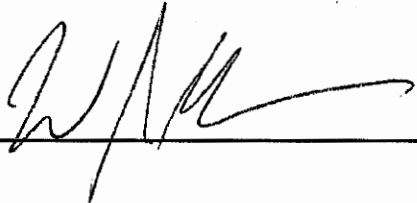
By: 

EXHIBIT A

THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: SCHOOL REFORM
COMMISSION

TITLE: ORGANIZATION

ADOPTED: October 5, 2011

REVISED:

	005. ORGANIZATION
	Section 1. <u>Officers</u>
SC 696	The Chairperson of the School Reform Commission shall be appointed by the Governor of Pennsylvania.
SC 433, 439, 440, 441, 442 HRC 12-208	The Superintendent shall serve as Secretary and Treasurer of the SRC. As Secretary and Treasurer of the SRC, the Superintendent shall perform the duties required by law and as the SRC directs.
HRC 12-208	The SRC may appoint additional officers deemed necessary who shall have such duties the SRC directs.
PA Const. Art. VI Sec. 7 Pol. 006	Officers of the SRC serve at the pleasure of the SRC and may be removed from such office by the affirmative vote of a majority of the SRC.
	Section 2. <u>Appointments</u>
	The SRC shall have the authority to appoint:
SC 1410	a. School physician(s).
SC 1410	b. School dentist(s).
SC 324, 406	c. Legal counsel.
HRC 12-210	d. Independent auditor(s).
SC 516	e. Delegates to a state convention or association of school directors.
SC 696	f. Other appointments the SRC deems necessary.

<p>PA Const. Art. VI Sec. 7 Pol. 006</p>	<p>Appointees serve at the pleasure of the SRC and may be removed from such appointment by the affirmative vote of a majority of the SRC.</p>
<p>SC 621</p>	<p>Section 3. <u>Resolutions</u></p>
<p>SC 106</p>	<p>The SRC shall designate:</p>
<p>SC 421</p>	<p>a. Depositories for school funds.</p> <p>b. Newspaper(s) of general circulation as defined in law.</p> <p>c. Normal day, place and time for regular meetings.</p> <p>d. Normal day, place and time for open committee meetings.</p>
	<p>Section 4. <u>Committees</u></p>
	<p>When specifically charged to do so by the SRC, committees of Commissioners shall conduct studies, make recommendations, and act in an advisory capacity, but shall not take action on behalf of the SRC.</p>
	<p>Committee members shall be appointed by the Chairperson who shall serve as an ex-officio member on all committees.</p>
	<p>The Superintendent may attend all meetings of any SRC committees, except those concerned with his/her own salary, benefits, or tenure.</p>
	<p>A Commissioner may request or refuse appointment to a committee.</p>
	<p>Refusal to serve on any one committee shall not be grounds for failure to appoint a Commissioner to another committee.</p>
	<p>Each committee shall be convened by co-chairpersons, who shall report for the committee.</p>
	<p>Ad hoc committees may be created, charged, and assigned a fixed termination date, which may be extended by the Chairperson.</p>
	<p>Members of committees shall serve until the committee is discharged.</p>

SC 696	<p>Section 5. <u>Consultants</u></p> <p>The SRC may appoint, employ or retain consultants to provide the district with specialized services not normally required on a continuing basis. Compensation shall be determined and approved by the SRC.</p> <p>The function of a consultant shall be to make studies and present recommendations to the SRC. A consultant shall not be charged with the implementation of a report.</p> <p>A consultant has no administrative authority over any facet of district schools, but shall act solely as advisor to the SRC, officers and employees.</p> <p>The use of consultants from outside the district who promote a particular commercial product is discouraged.</p> <p>References:</p> <p>Pennsylvania Constitution – PA Const. Art. VI Sec. 7</p> <p>School Code – 24 P.S. Sec. 106, 324, 406, 421, 431, 432, 433, 434, 436, 438, 439, 440, 441, 442, 443, 516, 621, 696, 1410</p> <p>Home Rule Charter – 12-208, 12-209, 12-210</p> <p>School Reform Commission Policy – 006, 811</p>
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THE SCHOOL DISTRICT
OF PHILADELPHIA

SECTION: SCHOOL REFORM
COMMISSION

TITLE: MEETINGS

ADOPTED: October 5, 2011

REVISED:

	<p style="text-align: center;">006. MEETINGS</p> <p>Section 1. <u>Purpose</u></p> <p>This policy governs the conduct and order of business for all School Reform Commission meetings. The SRC reaffirms the right of the public to be present at all regularly scheduled and special meetings of the SRC. The SRC also reaffirms the right of the public to comment on matters of concern, on formal actions of the SRC, or on deliberations regarding matters that are or may be before the SRC.</p> <p>Pol. 903 The SRC encourages the public to attend SRC meetings and to participate in public comment opportunities, and believes that public involvement in education issues is critical to the academic success of the district's students.</p> <p>Section 2. <u>Definitions</u></p> <p>Chairperson - Refers to the individual who presides over the work of the entire SRC.</p> <p>SC 696 Commissioner - A member of the SRC appointed pursuant to state law.</p> <p>65 Pa. C.S.A. Sec. 703 Emergency Meeting - A meeting of the SRC called to address an actual emergency involving a clear and present danger to life or property.</p> <p>65 Pa. C.S.A. Sec. 707, 708 Executive Session - A meeting of the SRC that is not open to the public because certain privileged or legally confidential information is being discussed.</p> <p>Planning Meeting - A public meeting of the SRC where no formal action is taken, but where individual Commissioners review and deliberate on resolutions submitted by the district in anticipation of taking a formal action at a later date.</p> <p>Pol. 903 Public Comment - The opportunity for individuals to address the SRC at regular and special meetings on matters of concern, on formal actions of the SRC, or on deliberations regarding matters that are or may be before the SRC.</p>
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	<p>Regular Meeting - The routine voting and planning meetings of the SRC that are scheduled annually, pursuant to a resolution that is adopted before the end of each school year.</p> <p>Resolution - A formal written expression of a decision, policy, intention, or opinion of the SRC.</p> <p>Special Meeting - A meeting scheduled after the schedule of regular meetings has been adopted.</p> <p>Quorum - The minimum number of Commissioners that must be present at a voting meeting in order for the SRC to take formal action on district business.</p> <p>Voting Meeting - A meeting of the SRC where formal action is taken regarding district business by Commissioners voting on resolutions.</p>
<p>65 Pa. C.S.A. Sec. 703</p> <p>SC 696</p>	<p>Section 3. <u>Parliamentary Authority</u></p> <p>All SRC meetings shall be conducted in an orderly and business-like manner. Robert's Rules of Order, Newly Revised shall govern the SRC in its deliberations in all cases where it is not inconsistent with law, state regulations or SRC policy.</p>
<p>SC 407 HRC 12-209 65 Pa. C.S.A. Sec. 701 et seq</p> <p>SC 696</p>	<p>Section 4. <u>Quorum</u></p> <p>A quorum of the SRC shall be a majority of the Commissioners appointed and currently holding office. No business shall be transacted at a meeting without a quorum of the SRC present, but the Commissioners present at such a meeting may adjourn to another time.</p>
	<p>Section 5. <u>Presiding Officer</u></p> <p>The Chairperson shall preside over all SRC meetings. In the absence, disability or disqualification of the Chairperson, the remaining Commissioner with the longest continuous service on the SRC shall preside over the meeting. The act of any person so designated shall be legal and binding.</p> <p>Section 6. <u>Notice</u></p> <p>The SRC affirms the right of the public to be present at all regularly scheduled and special meetings of the SRC for the purpose of observing SRC deliberations and formal actions. Therefore, notice of all public SRC meetings, including committee meetings, shall be in accordance with law.</p>
<p>65 Pa. C.S.A. Sec. 703, 709</p>	

SC 423	<p>Notice of all regular and special meetings shall be given to Commissioners prior to the time of the meeting.</p>
SC 421 65 Pa. C.S.A. Sec. 703, 709	<p>Section 7. <u>Regular Meetings</u></p> <p>Regular SRC meetings shall be public and shall be held at a specified location in accordance with the schedule established by the SRC for the fiscal year, which shall include at least one (1) SRC meeting every two (2) months. The Chairperson shall have the discretion to alter the meeting schedule with appropriate public notice.</p> <p>The order of business for all regular meetings shall be set out in an agenda that is made available to the public no later than twenty-four (24) hours and no sooner than seventy-two (72) hours before a regular meeting is convened. The agenda shall be developed by both the Chairperson and the Superintendent, or their designees, with final approval by the Chairperson. The agenda shall include:</p>
Pol. 903	<ul style="list-style-type: none">a. A call to order by the Chairperson.b. A roll call by the Parliamentarian.c. Recognitions and award presentations to exemplary students.d. A report to the SRC from the Superintendent.e. Review and deliberation by Commissioners of resolutions submitted by the district.
Pol. 903	<ul style="list-style-type: none">f. Public comment on submitted resolutions.g. At voting meetings, a roll call vote on submitted resolutions.h. Public comment on issues other than submitted resolutions.i. Other items deemed appropriate by the Chairperson.j. Adjournment. <p>The agenda, together with all relevant reports, shall be provided to each Commissioner before the meeting.</p>

<p>65 Pa. C.S.A. Sec. 701 et seq</p>	<p>Section 8. <u>Special Meetings</u></p> <p>Special meetings may be called to address either general or specific issues and shall be public except when conducted as an executive session for purposes authorized by the Sunshine Act.</p> <p>The Chairperson may call for special meetings at his/her discretion and as necessary to conduct district business. The Chairperson shall call for a special meeting upon receiving written requests for a special meeting from three (3) Commissioners.</p> <p>The Chair shall determine the agenda for all special meetings. The agenda for a special meeting shall be made available to the public no later than twenty-four (24) hours and no sooner than seventy-two (72) hours before the special meeting is convened.</p>
<p>65 Pa. C.S.A. Sec. 703, 709</p>	<p>Section 9. <u>Emergency Meetings</u></p> <p>The Chairperson may call for an emergency meeting when there is an actual emergency involving a clear and present danger to life or property. Although notice of emergency meetings is not required by law, reasonable efforts shall be made to inform the public in a timely fashion when an emergency meeting is called.</p>
<p>65 Pa. C.S.A. Sec. 701 et seq Pol. 903</p>	<p>Section 10. <u>Public Participation</u></p> <p>The SRC reaffirms the right of the public to deliver comments to the SRC on matters of general concern, on formal actions of the SRC, or on deliberations regarding matters that are or may be before the SRC. District residents present at a SRC meeting may address the SRC in accordance with law and SRC policy.</p>
<p>SC 696</p>	<p>Section 11. <u>Voting</u></p> <p>All motions shall require for adoption a majority vote of the SRC, except as provided by statute or SRC policy.</p> <p>All votes on motions and resolutions shall be by an oral roll call vote.</p> <p>The Chairperson or any Commissioner may make a motion for a vote on any combination of submitted resolutions at regularly scheduled or special voting meetings.</p>

<p>SC 518 65 Pa. C.S.A. Sec. 706</p>	<p>Section 12. <u>Minutes</u></p> <p>The SRC shall cause to be made, and shall retain as a permanent record of the district, minutes of all open SRC meetings. Said minutes shall be comprehensible and complete and shall show:</p> <ul style="list-style-type: none"> a. Date, place, and time of the meeting. b. Names of Commissioners present. c. Presiding officer. d. Substance of all official actions. e. Actions taken. <p>65 Pa. C.S.A. Sec. 705</p> <ul style="list-style-type: none"> f. Recorded votes and a record by individual Commissioners of all votes taken. g. Names of all residents who appeared officially and the subject of their testimony.
<p>SC 433</p>	<p>Each Commissioner shall be provided with a copy of the minutes of the last meeting prior to the next regular meeting.</p> <p>The minutes of SRC meetings shall be approved at the next succeeding meeting and signed by the Secretary.</p>
<p>Pol. 800, 801</p>	<p>Notations and any tape or audiovisual recordings shall not be the official record of a public SRC meeting but may be available for public access, upon request, in accordance with SRC policy. Any notations and/or audiovisual recordings of a SRC meeting shall be retained and disposed of in accordance with the district's records retention schedule.</p>
<p>65 Pa. C.S.A. Sec. 703, 709</p>	<p>Section 13. <u>Adjournment</u></p> <p>The SRC may at any time recess or adjourn to an adjourned meeting at a specified date and place, upon the majority vote of those present. The adjourned meeting shall take up its business at the point in the agenda where the motion to adjourn was acted upon. Notice of the rescheduled meeting shall be given in accordance with law.</p>

<p>65 Pa. C.S.A. Sec. 707, 708</p>	<p>Section 14. <u>Executive Session</u></p> <p>The SRC may hold an executive session, which is not an open meeting, before; during; at the conclusion of a public meeting; or at some other time. The presiding officer shall announce the reason for holding the executive session; the announcement can be made at the public meeting prior to or after the executive session.</p> <p>The SRC may discuss the following matters in executive session:</p> <ul style="list-style-type: none">a. Employment issues.b. Labor relations.c. Purchase or lease of real estate.d. Consultation with an attorney or other professional advisor regarding potential litigation or identifiable complaints that may lead to litigation.e. Matters that must be conducted in private to protect a lawful privilege or confidentiality. <p>Official actions based on discussions held in executive session shall be taken at a public meeting.</p>
<p>65 Pa. C.S.A. Sec. 703, 709</p>	<p>Section 15. <u>Committee Meetings</u></p> <p>Committee meetings may be called at any time by a committee co-chairperson, with proper public notice.</p> <p>A majority of the total membership of a committee shall constitute a quorum.</p>
<p>65 Pa. C.S.A. Sec. 701 et seq</p>	<p>Unless held as an executive session, committee meetings shall be open to the public, other Commissioners, and the Superintendent.</p> <p>Section 16. <u>Delegation Of Responsibility</u></p> <p>The SRC directs the Superintendent to develop procedures necessary to implement this policy.</p>

References:

School Code – 24 P.S. Sec. 407, 421, 423, 433, 518, 609, 696, 1075

Home Rule Charter – 12-208, 12-209, 12-310

Sunshine Act – 65 Pa. C.S.A. Sec. 701 et seq.

School Reform Commission Policy – 800, 801, 903

EXHIBIT B

RECEIVED

2014 JAN 17 PM 12: 13

SENATE OF PA
SECRETARY'S OFFICE

THE GOVERNOR

MEMBER OF THE PHILADELPHIA SCHOOL REFORM COMMISSION



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

January 17, 2014

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, William Joseph Green, IV, 118 West Abington Avenue, Philadelphia 19118, Philadelphia County, Fourth Senatorial District, for appointment as a member of the Philadelphia School Reform Commission, to serve until January 18, 2014, and until his successor is appointed and qualified, vice Pedro A. Ramos, Philadelphia, resigned.

A handwritten signature in black ink that reads "Tom Corbett".

TOM CORBETT
Governor

EXHIBIT C

ROBERT D. ROBBINS

SENATE BOX 209080
HARRISBURG, PA 17120-9080
(717) 787-1322
WEBSITE: <http://www.senatorrobbins.com>

259 MAIN STREET
GREENVILLE, PA 16125
(724) 588-1323
1-800-222-6793

312 CHESTNUT STREET
ROOM 112
MEADVILLE, PA 16335
(814) 336-2760

Minority Caucus Secretary



Senate of Pennsylvania

80TH DISTRICT

**CRAWFORD, MERCER AND
PORTIONS OF BUTLER AND
LAWRENCE COUNTIES**

COMMITTEES

**VETERANS' AFFAIRS AND EMERGENCY
PREPAREDNESS, VICE CHAIRMAN
AGRICULTURE AND RURAL AFFAIRS
GAME AND FISHERIES
LOCAL GOVERNMENT
RULES AND EXECUTIVE NOMINATIONS
URBAN AFFAIRS AND HOUSING**

LOCAL GOVERNMENT COMMISSION, MEMBER

February 4, 2014

William Joseph Green, IV
118 West Abington Avenue
Philadelphia, PA 19118

Dear Mr. Green:

As Republican Caucus Secretary of the Senate of Pennsylvania, it is my pleasure to inform you that the Senate has acted favorably upon your nomination as a member of the Philadelphia School Reform Commission. In the future you will be contacted by the Governor's office confirming your appointment.

It is my hope that you will find your position challenging and that you will enjoy serving the Commonwealth. If at any time I can be of assistance, please feel free to contact my office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob".

Robert D. Robbins

RDR/dys

EXHIBIT D



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

February 5, 2014

Mr. William Joseph Green, IV
118 West Abington Avenue
Philadelphia, PA 19118

Dear Mr. Green:

Recently I nominated you for appointment as a member of the Philadelphia School Reform Commission. I take great pleasure in advising you that the Senate confirmed your appointment on February 4, 2014.

Your commission and oath of office are being prepared by the Department of State and will be mailed to you promptly. The commission, issued under my signature under the Great Seal of the Commonwealth, memorializes your appointment. The oath of office is required by the Constitution of Pennsylvania to be taken by all civil officers. It is important that you act promptly to swear and subscribe to the written oath of office. You cannot perform any powers or duties of your public office until the oath has been taken.

As a member of the Philadelphia School Reform Commission, you are subject to the Public Official and Employee Ethics Act (Ethics Act), 66 Pa. C.S. §§ 1101 et seq., and the Governor's Code of Conduct, Executive Order 1980-18 Amended. We have posted copies of both the Ethics Act and the Governor's Code of Conduct, as well as the Ethics forms, on the Office of Public Liaison's website, which can be found at www.governor.pa.gov under offices and commissions. It is important that you take the time to review both these documents, which provide ethical guidelines for your public position. If you do not have access to the internet or would like copies mailed to you, please contact my office at 717-787-5825. Please do not hesitate to contact us if you have questions or concerns about the materials you review.

Additionally, in your specific public position, you will be required to file by May 1st of each year a financial disclosure form under the Ethics Act. The Statement of Financial Interests form (State Ethics Commission Form) will be provided to you by your board or commission.

Please accept my best wishes for success in your new responsibilities and appreciation for your dedicated service to the Commonwealth.

Sincerely,

A handwritten signature in black ink that reads "Tom Corbett".

TOM CORBETT
Governor

Commonwealth of Pennsylvania



Governor's Office

William Joseph Green, IV

of the County of

Philadelphia

in the Commonwealth of Pennsylvania

Greetings:

Reposing especial trust and confidence in your prudence, integrity and ability, and under authority of the Constitution and Laws of the said Commonwealth, in such case made and provided, I have nominated, and by and with the advice and consent of a majority of all the Members of the Senate, have appointed and do by these presents commission you to be a

Member of the Philadelphia School Reform Commission

To Have and To Hold the said office, together with all the rights, powers and privileges thereunto belonging, or by law in anywise appertaining, to serve until January 18, 2019 and until your successor is appointed and qualified, if you shall so long behave yourself well.

This appointment to compute from February 4, 2014.

Given under my hand and the Great Seal of the State, at the City of Harrisburg, this fourth day of February in the year of our Lord, two thousand and fourteen and of our Commonwealth the two hundred and thirty-eighth.



Tom Corbett

Governor

Carol Aichele

Secretary of the Commonwealth

EXHIBIT E



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

February 18, 2014

Mr. William J. Green, IV
118 West Abington Avenue
Philadelphia, PA 19118

Dear Mr. Green:

It is with great pleasure that I appoint you Chairman of the Philadelphia School Reform Commission, effective immediately.

Please accept my best wishes for success in your new responsibilities and appreciation for your dedicated service to the Commonwealth.

Sincerely,

A handwritten signature in black ink that reads "Tom Corbett".

TOM CORBETT
Governor

EXHIBIT F

COMMONWEALTH OF PENNSYLVANIA



CONSTITUTIONAL OATH OF OFFICE

COMMONWEALTH OF PENNSYLVANIA)

) SS:

County of Philadelphia)

I do solemnly swear (or affirm) that I will support, obey and defend the constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

[Handwritten Signature]
SIGNATURE OF OFFICER

William J. Green IV
NAME OF OFFICER

Chairman, School Reform Commission
OFFICER TITLE

Taken, sworn and subscribed before me this 18 day of February A.D. 2014.

[Handwritten Signature]
Signature of Person Administering Oath

(Seal)

NOTE: The foregoing oath shall be administered by some person authorized to administer oaths.

The oaths of STATE OFFICERS, JUSTICES OF THE SUPREME COURT and JUDGES OF THE SUPERIOR AND COMMONWEALTH COURTS shall be filed in the office of the Secretary of the Commonwealth.

The oaths of other judicial and county officers shall be filed with the Prothonotary of the county in which the oath is taken.

EXHIBIT G



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

March 2, 2015


Mr. Bill Green
118 West Abington Avenue
Philadelphia, PA 19118

Dear Mr. Green,

I wish to take this opportunity to thank you for your service as a chairman of the Philadelphia School Reform Commission. I have chosen a new chairman to serve effective immediately.

Once again, thank you for the service you have rendered as chairman of the Pennsylvania Liquor Control Board. The time and effort you contributed as chair are greatly appreciated.

Sincerely,


TOM WOLF
Governor

cc: Claire Landau, Chief of Staff, Office of the School Reform Commission

EXHIBIT H



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

March 2, 2015

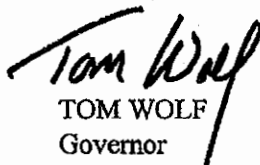
Ms. Marjorie Neff
100 W. Mt. Pleasant Avenue
Philadelphia, PA 19119

Dear Ms. Neff,

It is with great pleasure that I appoint you as chairman of the Philadelphia School Reform Commission, effective immediately. I have great confidence in your ability to serve the Commonwealth and have faith that you will provide exemplary leadership in this role.

Please accept my best wishes for success in your new responsibilities and appreciation for your dedicated service to the Commonwealth.

Sincerely,


TOM WOLF
Governor

cc: Claire Landau, Chief of Staff, Office of the School Reform Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Amended Petition for Review and referenced exhibits has on this date been served on Respondents as follows:

Kenneth L. Joel, Esq.
PA Office of the Attorney General
Strawberry Square, 15th Floor
Harrisburg, PA 17120
Counsel for Respondent Thomas W. Wolf

Miles H. Shore, Esq.
School District of Philadelphia OGC
440 N. Broad St., Suite 303
Philadelphia, PA 19130-4090
Counsel for Respondent School Reform Commission

Marjorie Neff
440 N. Broad Street, Suite 101
Philadelphia, PA 19130

Attorney General Kathleen Kane
1600 Strawberry Square
Harrisburg, PA 17120

Date: May 24, 2016



David R. Osborne
PA Attorney ID#: 318024

Karin M. Sweigart
PA Attorney ID#: 317970
225 State Street, Suite 303
Harrisburg, PA 17101
844-293-1001

VERIFICATION

I, Mary Topper, hereby verify that the factual statements made in the forgoing Preliminary Objections are true and correct to the best of my knowledge, belief, and understanding, and that I personally am familiar with the factual statements made therein.

I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

30 June 2016
Date

Mary L Topper

CERTIFICATE OF SERVICE

I, Kenneth L. Joel, Chief Deputy Attorney General, hereby certify that on July 5, 2016, I caused to be served the foregoing Preliminary Objections to the following:

VIA ELECTRONIC FILING

David Randel Osborne, Esquire
Karin Moore Sweigart, Esquire
The Fairness Center
225 State Street, Suite 303
Harrisburg, PA 17101
david@fairnesscenter.org
karin@fairnesscenter.org
Counsel for Petitioner William J. Green

Miles H. Shore, Esq.
The School District of Philadelphia
440 North Broad Street
Suite 313
Philadelphia, PA 19130
Counsel for School Reform
Commission and Marjorie Neff

/s/ Kenneth L. Joel
KENNETH L. JOEL
Chief Deputy Attorney General

Office of Attorney General
Litigation Section
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Harrisburg, PA 17120
Direct: 717-787-8106
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kjoel@attorneygeneral.gov