

**[J-56-2001]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**MIDDLE DISTRICT**

RICHARD J. GMERЕК AND CHARLES I. ARTZ,	:	NOS. 55, 56 & 57 MAP 2000
	:	
v.	:	Appeal from the Order of the
	:	Commonwealth Court entered May 18,
	:	2000 at No. 323 MD 1999, denying the
STATE ETHICS COMMISSION AND	:	motion for summary judgment
HONORABLE MIKE FISHER,	:	
ATTORNEY GENERAL AND MARK R.	:	751 A.2d 1241 (Pa. Cmwlth. 2000)
CORRIGAN, SECRETARY OF THE	:	
SENATE OF PENNSYLVANIA,	:	
INTERVENOR,	:	
	:	ARGUED: April 30, 2001
APPEAL OF: HONORABLE MIKE	:	
FISHER, ATTORNEY GENERAL @ 55	:	
MAP 2000	:	
APPEAL OF: STATE ETHICS	:	
COMMISSION @ 56 MAP 2000	:	
APPEAL OF: MARK R. CORRIGAN,	:	
SECRETARY OF THE SENATE OF	:	
PENNSYLVANIA, INTERVENOR @ 57	:	
MAP 2000	:	

**ORDER**

**PER CURIAM**

**DECIDED: August 23, 2002**

**AND NOW**, this 23<sup>rd</sup> day of August 2002, the Court being evenly divided, the order of the Commonwealth Court is affirmed.

Former Chief Justice Flaherty did not participate in the decision of this matter.

Mr. Chief Justice Zappala files an Opinion in Support of Affirmance in which Mr. Justice Cappy joins.

Mr. Justice Castille files an Opinion in Support of Affirmance.

Mr. Justice Saylor files an Opinion in Support of Reversal in which Mr. Justice Nigro and Madame Justice Newman join.