



Pennsylvania
Office of Open Records

Standard Right-to-Know Law Request Form

*Please read carefully. Complete this form and retain a copy of **both** pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. More information about the RTKL is available at <https://www.openrecords.pa.gov>. In most cases, a completed RTKL request form is a public record.*

SUBMITTED TO AGENCY NAME: City Of DuBois - Attn Shawn Arbaugh (Attn: AORO)

Date Request Submitted: 10/29/20 Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Full Name: Casey Brooks

Company (if applicable): _____

Please send response via: Email U.S. Mail

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: [REDACTED]

Mailing Address: 11 Juniata St

City: DuBois State: PA Zip: 15801 Telephone: [REDACTED]

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

■ By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States. I understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.

RECORDS REQUESTED: *Provide as much detail as possible, including subject matter, time frame, and type of record sought. RTKL requests must seek records, not ask questions. Use additional pages if necessary.*

I am requesting any and/or all City of DuBois Ordinances, Rules, Guidelines, or Laws as it pertains to the DVFD to include but not limited to financial, equipment, property, firefighters, officers, both written and perceived.

Form continues on page 2. Retain a copy of **both pages.**

RECORDS REQUESTED (continued):

DO YOU WANT COPIES? Yes, printed Yes, electronic No, in-person inspection

Records shall be provided in the medium requested if they exist in that medium; otherwise, they shall be provided in the medium in which they exist. See Section 701. Your request may require payment or prepayment of fees. View the Official RTKL Fee Schedule for more details.

I understand that my request may incur fees. Notify me before further processing if fees will be more than \$100 (or) \$_____.

Do you want certified copies? Yes (*may be subject to additional costs*) No

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$ _____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

Retain a copy of both pages of this Form.



CITY OF DuBOIS, PENNSYLVANIA

P.O. BOX 408

16 W. SCRIBNER AVE.

DuBOIS, PENNSYLVANIA 15801

TELEPHONE: (814) 371-2000

FAX: (814) 371-1290

November 4, 2024

Casey Brooks
11 Juniata Street
DuBois, PA 15801



Dear Casey Brooks,

Thank you for writing the City of DuBois with your request for information pursuant to the Pennsylvania Right- To-Know law.

On October 29, 2024, you requested any and all City of DuBois ordinances, rules, guidelines, and laws as it pertains to the DVFD.

Pursuant to Section 902(a) of the Right to Know Law, the City of DuBois requires an additional 30 days to respond to the request:

- A timely response to the request cannot be accomplished due to bona fide and specified staffing limitations.
- A legal review is necessary to determine whether the records are subject to access under this act.

The City of DuBois expects to respond to your request on or before December 3, 2024.

Respectfully,

Shawn Arbaugh
City Manager
City of DuBois, Clearfield County

DILLON McCANDLESS KING COULTER & GRAHAM L.L.P.
ATTORNEYS AT LAW

RONALD N. REPAK, PARTNER
MATHEW P. DIEG, ESQUIRE

313 WEST HIGH STREET,
SUITE 209
EBENSBURG, PA 15931
PHONE: (814) 478-2220

OTHER OFFICES:
BUTLER OFFICE:
128 WEST CUNNINGHAM ST.
BUTLER, PA 16001
PHONE: (724) 283-2200

CRANBERRY OFFICE:
600 CRANBERRY WOODS DR.,
SUITE 175
CRANBERRY TWP., PA 16066
PHONE: (724) 776-6644

November 13, 2024

Casey Brooks
11 Juniata Street
DuBois, PA 15801

Via email only: 

Re: Right-to-Know Request dated October 29, 2024

Dear Ms. Brooks,

This is a written response to the right-to-know request you filed dated October 29, 2024. Under the "records requested" section of the Standard Right-to-Know Law Request form, your request states as follows:

"I am requesting any and/or all City of DuBois Ordinances, Rules, Guidelines, or Laws as it pertains to the DVFD to include but not limited to financial, equipment, property, firefighters, officers, both written and perceived".

It is well-established law in Pennsylvania that "[w]hen a requester seeks to gain access to information under the [Right to Know Law], Section 703 of the [Right to Know Law] puts the initial burden on the requester to provide a written request that 'should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested . . .'" *Office of*

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the DA of Phila. v. Bagwell, 155 A.3d 1119, 1142 (Pa. Commw. 2017). “[A]n open-ended request that fails to give a local agency guidance in its search for the information sought may . . . [render] the request . . . overbroad under the [Right to Know Law]”. *Id.* at 1143 (citing *Commonwealth v. Engelkemier*, 148 A.3d 522, 530 (Pa. Commw. 2016)). In *Bagwell*, the Commonwealth Court observed the following with respect to determining whether a request under the Right to Know Law is sufficiently specific:

In *Pennsylvania Department of Education v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Cmwlth. 2015), this Court set forth a three-part balancing test to evaluate whether a request was sufficiently specific, examining whether the request identified: (1) the subject matter of the request; (2) the scope of the documents sought; and (3) the timeframe for the records sought While this test is a flexible one, the requirement that a requester identify the subject matter of a request necessitates that a requester ‘identify the transaction or activity of the agency for which the record is sought’ In addition, the requirement that a requester identify the scope of the documents sought necessitates that a requester ‘identify a discrete group of documents either by type...or recipient’ Finally, although the timeframe element of the ‘sufficiently specific’ test is the most fluid when evaluating a requester’s request, the request should identify ‘a finite period of time for which records are sought’

Id. at 1143 (internal citations omitted).

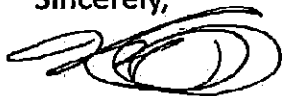
Here, the request does not identify a discrete group of documents being requested, as it is facially open-ended by and through its use of the words “to include but not limited to” This qualifying language denotes a completely

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open-ended request which does not adequately communicate to the City the scope of the documents sought. In addition, the request seeks documents that are "both written and *perceived*". These two components of the request fail to provide the City with any guidance whatsoever as to the scope or limits of the request, and, therefore, the request is overbroad. The request is also insufficiently specific temporally; in other words, the request does not, as required under *Pennsylvania Department of Education v. Pittsburgh Post-Gazette, supra*, identify a finite period of time for which the records are sought. The request contains no timeframe whatsoever, and, consequently, does not meet the third factor of the three-part balancing test cited above.

Based upon the above reasons, the request is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew P. Gieg", with a stylized flourish at the end.

Matthew P. Gieg, Esquire

Cc: City of DuBois