



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, PENNSYLVANIA (Attn: AORO)

Date Request Submitted: 11/24/24 Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Full Name: Judith Suplizio

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: 314 Hamor Street

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.

On 11-22-24 in the local newspaper, the DuBois City Manager made the public aware of his knowledge of the author who recently wrote a "concerned citizens" Letter to the city.

Considering, and similarly, please advise The City of DuBois' knowledge of the author who wrote the unfounded, unsigned cowardly 2020 Letter regarding allegations about the operations of The United Way in which all allegations were proven without merit, but has, despite 17 years of continuous, solid city performance, resulted in the chaos the city is in.

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

RECORDS REQUESTED (continued):

Please provide a copy of all records linking this (these) author(s) of the referenced and very damaging/disturbing concerned citizens letter and what legal action the city has or will be taking against those responsible for their unsigned cowardly unfounded act.

Please be prepared to openly and transparently discuss this 2020 letter, referencing the 2020 concerned citizen's letter's author(s), the damages caused, and the expected reimbursement during the 25Nov24 DuBois City Council Meeting.

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 27, 2024

Ms. Judy Suplizio
314 Hamor Street
DuBois, PA 15801

Dear Ms. Suplizio,

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

On November 24, 2024, you requested copy of all records linking this (these) author(s) of the referenced and very damaging/disturbing concerned citizens letter and what legal action the city has or will be taking against those responsible for their unsigned cowardly unfounded act.

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 27, 2024.

Respectfully,

Shawn Arbaugh
City Manager
City of DuBois, Clearfield County

"Gateway To Big Game Country"



CITY OF DUBOIS, PENNSYLVANIA

PO BOX 408 16 W. SCRIBNER AVE. DUBOIS, PENNSYLVANIA 15801

TELEPHONE: 814-371-2000

FAX: 814-371-1290

December 10, 2024

Judith Suplizio
314 Hamor Street
DuBois, PA 15801

Dear Ms. Suplizio:

The City of DuBois (“the City”) acknowledges receipt of your request dated November 24, 2024, submitted under and pursuant to the Right to Know Law (“RTKL”), 65 P.S. §§ 67.101-67.3104. Your request states the following:

“On 11-22-24 in the local newspaper, the DuBois City Manager made the public aware of his knowledge of the author who recently wrote a ‘concerned citizens’ Letter to the city.

Considering, and similarly, please advise the City of DuBois’ knowledge of the author who wrote the unfounded, unsigned cowardly 2020 letter regarding allegations about the operations of The United Way in which all allegations were proven without merit, but has, despite 17 years of continuous, solid city performance, resulted in the chaos the city is in.

Please provide a copy of all records linking this (these) author(s) of the referenced and very damaging/disturbing concerned citizens letter and what legal action the city has or will be taking against those responsible for the unsigned cowardly unfounded act.

Please be prepared to openly and transparently discuss this 2020 letter, referencing the 2020 concerned citizen’s letter’s author(s), the damages caused, and the expected reimbursement during the 25Nov24 DuBois City Council Meeting.”

Upon review, your request is denied. Under the RTKL, “[a] written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested” 65 P.S. § 67.703; stated differently, “the RTKL does not require a Commonwealth agency to create records to answer a request or to compile, maintain,

format, or organize a record in a manner in which the agency does not currently compile, maintain, format, or organize the record.” *Phila. Dist. Atty’s Office v. Cwiek*, 169 A.3d 711, 716 (Pa. Commw. 2017) (citing *Paint Twp. v. Clark*, 109 A.3d 796, 805 (Pa. Commw. 2015)) (emphasis added). “To establish that sought-after information is a public record, the requester must meet a two-part test: (1) the information must document a transaction or activity of the agency, and (2) the information must be created, received, or retained in connection with the activity of the agency.” *Id.* at 717 (citing *Pa. Office of Atty. Gen. v. Philadelphia Inquirer*, 127 A.3d 57, 60-61 (Pa. Commw. 2015)).

Reduced to its essentials, and for purposes of this written response, your request poses two “requests”, which, in form and substance, present to the City interrogatories rather than requests for “records” under the RTKL. Specifically, your request asks the following: “Request 1” – “[P]lease advise the City of DuBois’ knowledge of the author who wrote the . . . letter regarding allegations about the operations of The United Way”; and “Request 2” – “Please provide a copy of all records linking this (these) author(s) of the referenced and very damaging/disturbing concerned citizens letter and what legal action the city has or will be taking against those responsible for the unsigned cowardly unfounded act.” The City will address each of the foregoing separately and in turn.

Request 1, quoted above, does not seek a “public record” under *Cwiek*, as it asks a question to which only a narrative answer would be responsive. Because Request 1 simply asks the City to advise as to its knowledge of a certain unnamed author of a letter, this “request” does not identify or reference in any way a record that documents a transaction or activity of the City; correspondingly, Request 1 does not demonstrate in any manner that the sought-after information was created, received or retained in connection with the activity of an agency. Therefore, Request 1 fails to meet the two-part test articulated in *Cwiek*, and, consequently, the sought-after information does not constitute a public record. Consequently, Request 1 is denied.

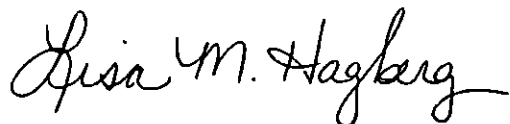
Request 2, quoted above, likewise does not seek a “public record”; in addition, Request 2 is insufficiently specific. “In *Pennsylvania Department of Education v. Pittsburgh Post-Gazette*, 119 A.3d 1121, 1124 (Pa. Commw. 2015), th[e] [Commonwealth] Court conducted an extensive review of [its] case law regarding challenges to the specificity of a request under Section 703 of the RTKL and set forth ‘a three-part balancing test, examining the extent to which the request sets forth (1) the subject matter of the request; (2) the scope of documents sought; and (3) the timeframe for which records are sought.’” *Id.* at 1124 (citing *Carey v. Pa. Dep’t of Corr.*, 61 A.3d 367, 372 (Pa. Commw. 2012)). *Pittsburgh Post-Gazette* further explained that: “The subject matter of the request must identify the ‘transaction or activity’ of the agency for which the record is sought. The subject matter should provide a context to narrow the search. The scope of the request must identify ‘a discrete group of documents, either by type . . . or by recipient.’ The timeframe of the request should identify a finite period of time for which records are sought. The timeframe prong is, however, the most fluid of the three prongs, and whether or not the request’s timeframe is narrow

enough is generally dependent upon the specificity of the request’s subject matter and scope” *Id.* at 1124-26 (footnotes and internal citations omitted). Here, Request 2 seeks “all records linking this (these) author(s) of the referenced . . . letter and what legal action the city has or will

be taking against those responsible for the unsigned . . . act.” Although Request 2 purports to request “records linking the author”, it is bereft of what the alleged author is or may be allegedly linked to. Under Pittsburgh Post-Gazett, Request 2 does not meet or adequately identify the subject matter, scope, or timeframe of the “records” purportedly sought, and, therefore, is insufficient as a matter of law. Finally, Request 2’s follow-up request in the form of an interrogatory – i.e., “what legal action the city has or will be taking against those responsible for the unsigned . . . act” does not document a transaction or activity of the City under Cwiek, as by its own terms it is phrased in such a way as calling for a narrative response; additionally, the quoted follow-up request is, in part, prospectively phrased and thus cannot possibly document an action or activity of the City.

For all of the foregoing reasons, the request is denied in its entirety.

Respectfully,

A handwritten signature in cursive script that reads "Lisa M. Hagberg". The signature is written in black ink and is positioned above the typed name and title.

Lisa Hagberg
Interim City Manager
City of DuBois, Clearfield County

“Gateway to Big Game Country”