



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: AORO)

Date Request Submitted: 1/19/20 Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Full Name: Theresa 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 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.*
2023 audit

*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)** **\$10.00** _____.

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

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

TELEPHONE: 814-371-2000

FAX: 814-371-1290

January 20, 2025

Theresa Suplizio
314 Hamor Street
DuBois, PA 15801

Dear Ms. Suplizio,

Thank you for writing to the City of DuBois with your request for information pursuant to the Pennsylvania Right-To-Know law. On January 20, 2025, we received your request for the 2023 Audit.

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.

The City of DuBois expects to respond to your request on or before February 19, 2025.

Respectfully,

Lisa Hagberg
Interim City Manager
City of DuBois, Clearfield County

LH/cls



CITY OF DUBOIS, PENNSYLVANIA

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

TELEPHONE: 814-371-2000

FAX: 814-371-1290

January 29, 2025

Theresa Suplizio
314 Hamor Street
DuBois, PA 15801

Ms. Suplizio,

The City of DuBois (“the City”) acknowledges receipt of your request submitted on January 19, 2025 (“the request”) under the Right to Know Law (“RTKL”), Act of February 14, 2008, P.L. 6, 65 P.S. §§ 67.101-67.3104. Upon review, the request is denied.

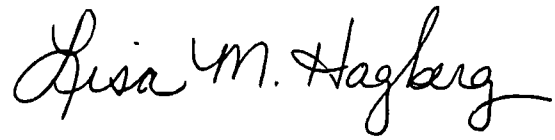
The request seeks the “2023 audit”.

“The burden of proving a record does not exist . . . is placed on the agency responding to the right-to-know request . . . [, and] an agency may satisfy its burden of proof that it does not possess a requested record [by] . . . a sworn affidavit of nonexistence of the record.” *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. 2011). Furthermore, “[w]here . . . no evidence has been presented to show that [an agency] acted in bad faith, the averments in [the agency’s] affidavit[] should be accepted as true.” *McGowan v. Pa. Dep’t of Env’tl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. 2014).

Here, as evidenced in the affidavit of Lisa Hagberg, Interim City Manager for the City, no records exist which are responsive to the request, as the City is not yet in possession of the 2023 audit by the City’s auditors. Accordingly, the request is denied.

If you wish to appeal the denial of your request, you must file an appeal with the Pennsylvania Office of Open Records within fifteen (15) days from the date of this written response issued by the City. Further instructions for filing an appeal to the Pennsylvania Office of Open Records can be found at <https://www.operecords.pa.gov>.

Respectfully,

A handwritten signature in black ink that reads "Lisa M. Hagberg". The signature is written in a cursive style with a large initial "L" and a long, sweeping tail on the "g".

Lisa Hagberg
Interim City Manager
City of DuBois, Clearfield County

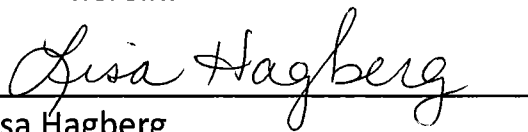
LH/ks

Affidavit

I, Lisa Hagberg ("Affiant"), being duly sworn according to law, depose, state, and verify that I am the acting Interim City Manager for the City of DuBois, Clearfield County, Pennsylvania, and that I am authorized to make and execute this Affidavit on behalf of the City of DuBois in my capacity as acting City Manager for the City of DuBois. As Affiant, I am submitting this Affidavit to verify certain facts contained in the City of DuBois' written response to the right-to-know request of Theresa Suplizio dated January 19, 2025 ("the request").

Regarding the request, I hereby depose, state, and verify as follows:

- That I reviewed the request with Matthew P. Gieg, Esquire, solicitor for the City of DuBois;
- That, upon receiving the request, I diligently searched documents and records in the possession and control of the City of DuBois to ascertain whether the requested records existed;
- That the documents requested – specifically, the "2023 audit" – does not exist, as the City is not in possession of the 2023 audit by the City's auditors;
- That, based upon the fact that the records requested do not exist, the determination was made to deny the request; and
- That the determination to deny the request because the alleged records sought in the request do not exist is based upon my verified statements made herein.



Lisa Hagberg

Interim City Manager

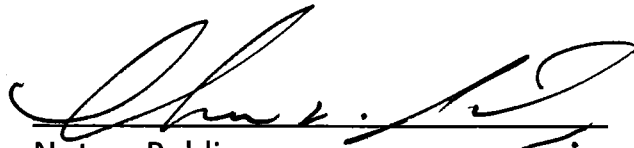
City of DuBois, Clearfield County, PA

COMMONWEALTH OF PENNSYLVANIA : SS
COUNTY OF CLEARFIELD :

On this, the 29 day of Jan., 2025, before me, a Notary Public, the undersigned officer, personally appeared Lisa Hagberg, Interim City Manager for the City of DuBois, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within Affidavit, and acknowledged that she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Commonwealth of Pennsylvania - Notary Seal
Thomas M. Nowak Jr., Notary Public
DuBois City, Clearfield County
My Commission Expires: November 29, 2026
Commission Number: 1259192


Notary Public

My Commission Expires: Nov 29 2026