



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 DuBols (Attn: AORO)

Date Request Submitted: 1/19/25 Submitted via: [X] Email [] U.S. Mail [] Fax [] In Person

PERSON MAKING REQUEST:

Full Name: Theresa Suplizio

Company (if applicable):

Please send response via: [X] 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:

Mailing Address: 314 Hamor Street

City: DuBols State: PA Zip: 15801 Telephone:

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

[X] 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.

Any city related emails (dubolspa.gov) in calendar year 2024 concerning the planting of trees, specifically but not limited to, placement location and planting in the right of way between any of the following people:

- Pat Reasinger
Chris Nausti
Shawn Arbaugh
Joe Mitchell
Zach Lawhead

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 any City-related emails (duboispa.gov) in 2024 concerning the planting of trees for Pat Reasinger, Chris Nasuti, Shawn Arbaugh, Joe Mitchell and Zach Lawhead.

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/kl



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 “records requested” section of the request seeks the following:

“Any city related emails (duboispa.gov) in calendar year 2024 concerning the planting of trees, specifically but not limited to, placement location and planting in the right of way between any of the following people:

Pat Reasinger
Chris Nasuti
Shawn Arbaugh
Joe Mitchell
Zach Lawhead”

The RTKL defines a “record” as “[i]nformation, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency.” 65 P.S. § 67.102. The RTKL defines a “public record” as follows: “A record, including a financial record, of a Commonwealth or local agency that: (1) is not exempt under section 708; (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or (3) is not protected by a privilege.” *Id.*

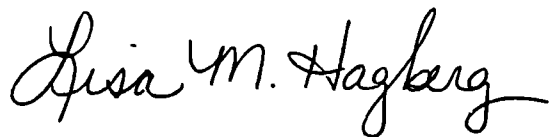
In *In re Silberstein*, 11 A.3d 629 (Pa. Commw. 2011), the Commonwealth Court held that “emails [of an elected official] . . . would not be a documentation of a transaction or activity of

[the local agency], as the local agency, nor would the record have been created, received[,] or retained pursuant to law or in connection with a transaction, business or activity of [the local agency].” *Id.* at 630, 633. “The *Silberstein* Court thus affirmed the denial of a request for such emails unless those items ‘were produced with the authority of [the local agency], as a local agency, or were later ratified, adopted or confirmed by’ the [local agency].” *Penncrest School District v. Cagle*, 293 A.3d 783, 791 (Pa. Commw. 2023).

Here, only one of the five individuals whose emails are sought is an elected official – Pat Reasinger. Under *Silberstein*, since the emails requested do not document a transaction or activity in connection with a transaction, business, or activity *of the City*, the records sought in the request do not fall within the definition of a public record. Consequently, 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 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

LH/kl