



pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
TRISHA FRASETTO AND SIGNATURE	:	
INFORMATION SOLUTIONS, LLC,	:	
Requester	:	
	:	Docket No: AP 2016-1474
v.	:	
	:	
CITY OF ALIQUIPPA,	:	
Respondent	:	

On August 10, 2016, Trisha Frassetto (“Requester”), on behalf of the Signature Information Solutions, LLC, submitted a request (“Request”) to the City of Aliquippa (“City”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking a copy of the database where you maintain the agencies (*sic*) real estate tax collection payments ... for the 2016 tax year.” The City did not respond within five business days of receiving the Request, and the Request was, therefore, deemed denied on August 17, 2016. *See* 65 P.S. § 67.901.

On August 30, 2016, the Requester filed an appeal with the Office of Open Records (“OOR”), stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the City to notify any third parties of their ability to participate in this appeal. *See* 65 P.S. § 67.1101(c). On September 12, 2016, the Requester submitted a position statement reiterating its claim that the requested records are subject to public access. The City did not make a submission in this matter and has not submitted proof that it notified any third parties about this appeal.

Section 708 of the RTKL clearly places the burden of proof on the public body to demonstrate that a record is exempt from disclosure. 65 P.S. § 67.708(a). In the present case, the City did not comply with the RTKL by timely responding to the Request, nor did it provide any factual or legal support for denying access to responsive records. *See generally* 65 P.S. § 67.1304(a) (noting that a court “may award reasonable attorney fees and costs of litigation ... if the court finds ... the agency receiving the ... request willfully or with wanton disregard deprived the requester of access to a public record ... or otherwise acted in bad faith...”); 65 P.S. § 67.1305(a) (“A court may impose a civil penalty of not more than \$1,500 if an agency denied access to a public record in bad faith”). Based on the City’s failure to comply with the statutory requirements of the RTKL or provide any evidentiary basis in support of an exemption under the RTKL, the City did not meet its burden of proof under the RTKL. *See* 65 P.S. § 67.305.

For the foregoing reasons, Requester's appeal is **granted**, and the City is required to provide a copy of the tax collection database for 2016 within thirty days. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Beaver County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to Section 1303 of the RTKL. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.¹ This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: September 20, 2016

/s/ Jill S. Wolfe

APPEALS OFFICER
JILL S. WOLFE, ESQ.

Sent to: Trisha Frassetto (via e-mail only);
Josh Bonn, Esq. (via e-mail only)
Craig Staudenmaier, Esq. (via e-mail only);
Open Records Officer.

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 fn. 5 (Pa. Commw. Ct. 2013).