



## FINAL DETERMINATION

DATE ISSUED AND MAILED: June 11, 2026

IN RE: *Cynthia Treiber v. Borough of Wesleyville*, OOR Dkt. AP 2026-1360

On March 24, 2026, Cynthia Treiber (“Requester”) submitted a request (“Request”) to the Borough of Wesleyville (“Borough”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* The Borough did not respond within five business days of receiving the Request and the Request was, therefore, deemed denied on March 31, 2026. 65 P.S. § 67.901. On April 6, 2026 the Requester filed an appeal with the Office of Open Records (“OOR”).

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Borough did not comply with the RTKL by timely responding to the Request, nor did the Borough participate on appeal by submitting legal argument or evidence in support of withholding records.<sup>1</sup> Accordingly, the Borough did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, and the Borough is required to provide the requested records to the Requester within thirty days, or, in the alternative, a sworn affidavit or a statement made under the penalty of perjury demonstrating that the records do not exist. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Erie 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 court rules as per 65 P.S. § 67.1303, but 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.<sup>2</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto:oor-postfd@pa.gov). This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Julie Sodl

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JULIE SODL  
APPEALS OFFICER

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<sup>1</sup> Despite accessing the OOR’s portal on May 4, 2026 in response to the OOR’s correspondence, the Borough did not provide legal argument or evidence supporting the withholding of records. However, during the course of the appeal, the Borough submitted a mediation agreement containing only the Borough’s signature. To date, the Requester has not countersigned the mediation agreement. On May 4, 2026, the OOR notified the Borough that if the Requester did not sign the mediation agreement by May 6, 2026, an appeal submission was due. To date, the Borough has not filed a submission.

<sup>2</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

Sent via E-File Portal to:

Cynthia Treiber  
Melissa Bigwood, AORO