



FINAL DETERMINATION

DATE ISSUED AND MAILED: June 22, 2026

IN RE: *Caitlin Williams and Meyer, Unkovic & Scott v. Sandycreek Township*,
OOR Dkt. AP 2026-0527

On January 23, 2026, Caitlin Williams and Meyer, Unkovic & Scott (collectively “Requester”) submitted a request (“Request”) to Sandycreek Township (“Township”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* The Township did not respond within five business days of receiving the Request, and the Request was, therefore, deemed denied on January 30, 2026. 65 P.S. § 67.901. On February 9, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”). On March 2, 2026, the Requester submitted a Petition to Stay Proceedings seeking a ninety day stay in order for the parties to resolve any potential appeal issues. The matter was stayed until May 22, 2026. On June 8, 2026, the OOR sought clarification and a status update from the parties and the Requester made a submission stating that the appeal issues have not been resolved. The Township did not make any submissions during the appeal.

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

For this reason, the appeal is **granted**, the Township 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.² Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Venango 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.³ All documents or communications following the issuance of this Final Determination shall be sent to

¹ During the appeal, the Township contacted the OOR to update its contact information. The Township also has logged onto the OOR E-file appeal portal during the appeal. The OOR is satisfied that the Township had notice of the appeal and an opportunity to participate.

² The Request specifically seeks “complaints.” To the extent responsive complaints exist, the noncriminal complaints do not need to be disclosed and the OOR does not have jurisdiction over criminal complaints. *See* 65 P.S. §§ 67.708(b)(16)(i), (b)(17)(i); *Pa. Game Comm’n v. Fennell*, 148 A.3d 101 (Pa. Commw. Ct. 2016) (explaining that the OOR must consider uncontradicted statements contained in the appeal as evidence); *Office of the Governor v. Davis*, 122 A.3d 1185 (Pa. Commw. Ct. 2015) (holding that an affidavit may be unnecessary when an exemption is clear from the face of the record).

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

oor-postfd@pa.gov. This Final Determination shall be placed on the website at:
<http://openrecords.pa.gov>.

Issued by:

/s/ Damian J. DeStefano

DAMIAN J. DESTEFANO
APPEALS OFFICER

Sent via OOR E-file appeal portal: Caitlin Williams, Victoria L. Bowser, AORO