



FINAL DETERMINATION

DATE ISSUED AND MAILED: July 8, 2026

IN RE: *Darwin Leuba v. Scott Township*, OOR Dkt. AP 2026-2400

On May 26, 2026, Darwin Leuba (“Requester”) submitted a request (“Request”) to Scott Township (“Township”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* On May 27, 2026, the Township denied the Request, asserting that the Township did not possess, maintain, or control the records requested. On June 8, 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 Township did not comply with the RTKL by not participating 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. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Columbia 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.² All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Julie Sodl

JULIE SODL
APPEALS OFFICER

Sent via E-File Portal to: Darwin Leuba
Brittany Bacon, AORO

¹ On July 1, 2026, OOR administrative staff contacted the Township regarding the pending appeal and the Township indicated a response would be submitted. The Township accessed the OOR E-File Portal on July 1, 2026 and July 2, 2026. To date, there has been no response by the Township.

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