

pennsylvania
OFFICE OF OPEN RECORDS
FINAL DETERMINATION

IN THE MATTER OF

**THERESA BRACKEN,
Requester**

v.

**DUBOIS CITY,
Respondent**

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Docket No: AP 2026-2288

FACTUAL BACKGROUND

On April 22, 2026, Theresa Bracken (“Requester”) submitted a request (“Request”) to DuBois City (“City”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

1. Most recent approved Sandy Township/[City] consolidation agreement including any updates, changes, an appendixes to date. Please include Appendix A (Governance Plan under Optional Third-Class City Charter Law) and Appendix B (Proposed Departmental Organization Structure).
2. Detailed invoices for Kafferlin Strategies from January 1, 2026 to date. Should include date, hours charged, description of work performed.
3. All emails sent to or from Human Resources Administrator Vicky McCall that include the words Terri, Theresa, Bracken, Fiscal Administrator ,Terri Bracken ,or Theresa Bracken, Finance Administrator or Finance Director beginning with her start date.

4. Exact date and time the council members were notified of Theresa Brackens termination. Please include a screenshot of the text message sent/received with a timestamp notifying council of the termination

The City invoked a thirty-day extension to respond;¹ however, as the City did not respond within the extension period, the Request was deemed denied on May 29, 2026. *See* 65 P.S. § 67.902(b)(2).

On June 11, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure.² The OOR invited both parties to supplement the record and directed the City to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

Prior to the Requester filing this appeal, the record reveals that the City identified thousands of potentially responsive records and sought clarification from the Requester to possibly narrow the scope of the search. However, the Requester did not respond to the City’s inquiry and filed the instant appeal. Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the City did not comply with the RTKL by issuing a timely response to the Request, nor did the City participate on appeal by submitting legal argument or evidence in support of withholding records.³ Accordingly, the City did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

CONCLUSION

For the foregoing reasons, the appeal is **granted**, and the City is required to provide all responsive records within thirty days. This Final Determination is binding on all parties. Within

¹ There is no dispute that the City invoked a thirty-day extension to respond to the Request. *See* 65 P.S. § 67.902.

² The Requester granted the OOR a 30-day extension to issue a final determination. *See* 65 P.S. § 67.1101(b)(1) (“Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).”).

³ The OOR notes that the City logged into the OOR E-file appeal portal during the appeal. The OOR is satisfied that the City had notice of the appeal and an opportunity to participate.

thirty days of the mailing date of this Final Determination, any party may appeal to the Clearfield 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.⁴ 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 OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: July 9, 2026

/s/ Damian J. DeStefano

DAMIAN J. DESTEFANO
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Theresa Braken; Lisa Hagberg, AORO

⁴ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).