pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
CODY SHEETS,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4219**
	:	
CARLYNTON SCHOOL DISTRICT,	:	
Respondent	:	
	:	

On August 20, 2026, Cody Sheets ("Requester") submitted a request ("Request") to the Carlynton School District ("District") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking twelve items related to Crafton Elementary School and a mold issue.

On September 28, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the District issued its final response, granting the Request in part and denying the Request in part. The District produced 136[1] documents, totaling 278 pages. The District withheld twelve pages of drafts concerning community and staff updates as predecisional deliberations, 65 P.S. 67.708(b)(10), a one page copy of the August 18, 2026, Executive Session Agenda, 65 P.S. 67.708(b)(21)(ii), and thirteen pages of emails between Dr. John Kreider and the District's solicitor as exempt under attorney-client privilege.

[1] Of these 136 documents produced, 15 documents contained redactions under 65 P.S. §67.706 and 65 P.S. §67.708(b)(6).

On September 29, 2026, the Requester filed an appeal with the Office of Open Records ("OOR"). The OOR invited both parties to supplement the record and directed the District to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

The Requester raised seven issues on appeal: (1) the District has failed to produce or search for the responsive record specifically identified as the August 17 Roberto-Taylor Text Message; (2) the District has failed to produce or search for responsive records from Firewater Restoration; (3) the District has failed to produce or search for "remediation and guidance records" from Intertek PSI; (4) the District has failed to produce or search for specific purchase, vendor and monitoring records; (5) the District has failed to establish that the drafts of community and staff updates are exempt from disclosure; (6) the District has failed to establish that the "Executive Session Agenda" is exempt from disclosure; and (7) the District has failed to establish that three emails are exempt under the doctrine of Attorney-Client Privilege/ Attorney Work Product.

On October 12, 2026, the District provided a position statement, along with the supporting affidavit of Dr. John Kreider ("Kreider Affidavit"), District Superintendent and the Agency Open Records Officer ("AORO").

Based upon my review of the appeal and evidence, I make the following conclusions of law and findings of fact:

- With respect to issues 1-4 that the Requester raises on appeal, the appeal is denied. Based upon a preponderance of evidence, the District conducted a good faith search and provided responsive records to the Request. Kreider Affidavit, ¶¶4, 5, 8-14. There is no responsive record with respect to the August 17 Robert-Taylor text message. *Id*. at ¶17(1). There are no responsive records from Firewater Restoration. *Id*. at ¶17(2-3). There are no responsive records for Intertek PSI invoices relating

to the Crafton Elementary mold or remediation matter. *Id*. at ¶17(4). The District did review vendor and purchasing records in preparation for the appeal and located a purchase receipt of three dehumidifiers and produced it on appeal. *Id*.

- The District properly withheld five drafts of community/staff updates regarding the mold remediation at Crafton Elementary under Section 708(b)(10) of the RTKL as reflecting internal, predecisional deliberations. 65 P.S. § 67.708(b)(10). On its face, being a draft logically shows predecisional deliberations. These were also shared with administrators and/or Board Members for solicited feedback before being finalized and publicized. Kreider Affidavit, ¶17(5).
- The District properly withheld the one-page document titled "Executive Session Agenda" dated August 18, 2026, under Section 708(b)(21)(i) of the RTKL. 65 P.S. §67.708(b)(21)(i). Section 708(b)(21)(i) of the RTKL exempts from disclosure "[d]raft meeting minutes of any meeting of an agency until the next regularly scheduled meeting of the agency." *Id*. The Kreider Affidavit affirms that this document consists of a detailed outline of the topics that were planned to be and actually were discussed during the executive session of the School Board's monthly meeting. Kreider Affidavit, ¶17(6).
- The District properly withheld the three email chains pertaining to the remediation of mold at Crafton Elementary and the RTKL requests concerning the remediation as exempt under attorney-client privilege. These were all emails between Dr. Kreider and Bill Andrews, Esquire, the solicitor for the District. *Id*. at ¶17(7). As these emails contained drafts, the solicitor's opinion and advice on the drafts and questions regarding assistance in a legal matter, they were properly withheld as

exempt. *Id*. *See also Nationwide Mut. Ins. Co. v. Fleming*, 924 A.2d 1259, 1263-64 (Pa. Super. Ct. 2007).

For the foregoing reasons, the appeal is **denied** and the District is not required to take any further action. 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 Allegheny 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.

FINAL DETERMINATION ISSUED AND MAILED: November 23, 2026

/s/ Meryl M. Peterman

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MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Cody Sheets
Nathaniel Mallery, Esq.
Dr. John W. Kreider

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