pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 24, 2026

IN RE: *Michael Diebold v. Leechburg Borough*, OOR Dkt. AP 2026-4951

On September 21, 2026, Michael Diebold ("Requester") submitted a request ("Request") to Leechburg Borough ("Borough") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*. After extending its time to respond by thirty days, the Borough did not issue a response, and the Request was thus deemed denied on October 28, 2026.[1] 65 P.S. § 67.902(b)(2). On November 2, 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.[2] 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 records do not exist. Failure to comply with this Final Determination may result in the imposition of court costs, attorney fees, or civil penalties by a reviewing court. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Armstrong 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. However, 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 oor-postfd@pa.gov. This Final Determination shall be placed on the OOR website at: http://openrecords.pa.gov.

Issued by:

/s/ *Tope L. Quadri*

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APPEALS OFFICER
TOPE L. QUADRI, ESQ.

Sent via portal to: Michael Diebold; DJ Zelczak, AORO

[1] Under the extension, the Borough had five (5) business days, followed by thirty (30) calendar days, from September 21, 2026, to respond to the Request. 65 P.S. § 67.902(b)(1)-(2).
[2] Notice of this appeal was sent to the Borough's AORO at emc@leechburgborough.org.
[3] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).