



pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
BOB RYAN,	:	
Requester	:	
	:	
v.	:	Docket No: AP 2022-1425
	:	
RIEGELSVILLE BOROUGH,	:	
Respondent	:	
	:	
	:	

On June 2, 2022, Bob Ryan (“Requester”), submitted a request (“Request”) to Reigelsville Borough (“Borough”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking, “[a]ll PA Ethics Commission required ‘Statement of Financial Interest’ forms filed by council member Edward Bartosiewicz for the years 2010 to 2021. Include all originally filed forms as required by May 1 for each previous fiscal year. Also include any amended ‘Statement of Financial Interest’ forms for years 2016, 2017, 2018 and 2020 as Bartosiewicz was required by direction of Pa Ethics Commission.” The Borough failed to respond to the Request by June 9, 2022, and, therefore, the Request was deemed denied. *See* 65 P.S. § 67.902(1).

On June 13, 2022, the Requester appealed to the Office of Open Records (“OOR”), stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the Borough to notify any third parties of their ability to participate in this appeal. *See* 65 P.S. § 67.1101(c). On June 15, 2022, the Requester submitted a statement in support of the appeal

asserting that, “[s]tatements of [f]inancial [i]nterest, filed by public officials as required by the PA Ethics Act, are among the most basic of public records.”

Section 708 of the RTKL places the burden of proof on the public body to demonstrate that a record is exempt from disclosure. 65 P.S. § 67.708(a)(1). In this matter, the Borough did not comply with the RTKL by timely responding to the Request, nor did the Borough submit any evidence in support of its partial denial of the Request. Based on the Borough’s failure to comply with the statutory requirements of the RTKL or to provide any evidentiary basis in support of an exemption under the RTKL, the Borough did not meet its burden of proof under the RTKL. *See* 65 P.S. § 67.305.

For the foregoing reasons, the Requester’s appeal is **granted**, and the Borough is required to provide all responsive records within thirty days. 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 Bucks County Court of Common Pleas. *See* 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 Section 1303 of the RTKL. 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.¹ This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: June 22, 2022

/s/ Kelly C. Isenberg

SENIOR APPEALS OFFICER
KELLY C. ISENBERG, ESQ.

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

Sent to: Bob Ryan (via email only);
Sherry Masteller, AORO (via email only)