



Millcreek Township School District

Millcreek Education Center

3740 West 26th Street • Erie, Pennsylvania 16506-2096 • (814) 835-5300



"Creating the Future"

VIA EMAIL

September 6, 2012

Mr. Louis J. Aliota
538 Margo Court
Erie, PA 16505-2112

RE: Right-to-Know Request of Millcreek Township School District

Dear Mr. Aliota:

As you are aware, you made a Right-to-Know request of the Millcreek Township School District dated August 29, 2012, for the following:

- Audited Comprehensive Annual Financial Report for the School District fiscal years 2009-2010 – 2011-2012 (June 30).
- All Debt Statements Pursuant to Section 8110 Local Government Unit Debt Act for all fiscal years 2009-2010-2011-2012 (June 30).

Please be advised that your request has been partially granted and partially denied. With respect to the portion of your request which has been granted, copies of the single audit of the School District for fiscal years 2009, 2010, 2011 are enclosed with this correspondence. If these are not the documents you are requesting, please let us know.

Regarding the portion of your request which has been denied, the School District has yet to receive the audit for the 2011-2012 school year, and other than the Debt Statement previously supplied to you, the School District has not created a Debt Statement during the indicated time period. Please know that the School District is not required to create a Debt Statement unless and until the School District authorizes debt. The only debt offering during that time period was the 2010 Bonds. The associated Debt Statement has been previously supplied to you. As no such other records exist, none can be supplied.

This denial is premised on sections 305(a) and 705 of the Right-to-Know Law. Section 305(a), provides that records in the possession of the School District are presumed to be public records subject to disclosure. 65 P.S. §67.305(a). As the School District has yet to receive the 2011-2012 audit, the record is not in the School District's possession, and is not yet complete. Thus,

your request is denied. Section 705 provides that the School District is not required to create a record which does not exist. 65 P.S. §67.705. Neither the audit, nor Debt Statements, other than the one previously supplied, exist in the records of the School District. Accordingly, your request has been denied.

I have denied the above noted portion of your request upon the authority granted to me as the Open-Records Officer for the Millcreek Township School District. I can be contacted at the information supplied on the letterhead. If you do not agree with this determination, you may file an appeal with the Pennsylvania Office of Open Records within fifteen (15) business days of the mailing date of this correspondence. Your appeal shall state the grounds upon which you assert that the denied records are subject to disclosure pursuant to Act 3 of 2008 and shall address any grounds for the denial stated above. Additionally, your appeal shall comply with the Interim Regulations as promulgated by the Office of Open Records. Any appeal is to be filed with Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street – Fourth Floor, Harrisburg, PA 17120-0225.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda Sitter".

Linda Sitter
Open Records Officer

Enclosures

cc: Timothy S. Wachter, Esq.