

Bath, PA - Community Hub

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****PUBLIC STATEMENT: WHY COURT ACTION WAS NECESSARY****

****FOR IMMEDIATE RELEASE****

October 19, 2025

****Statement from Michael Long Regarding Borough of Bath Right-to-Know Law Court Appeal****

On October 10, 2025, I filed a Petition for Review in Northampton County Court of Common Pleas challenging the Borough of Bath's refusal to provide public financial records. While the Borough has since characterized my use of Pennsylvania's transparency laws as frivolous or AI-generated nonsense, the Borough's own conduct demonstrates exactly why court oversight was necessary.

****What I Requested: Basic Financial Accountability Records****

On June 5, 2025, I submitted a straightforward request under Pennsylvania's Right-to-Know Law for audit trail reports from the Borough's QuickBooks accounting system. These reports show who entered financial transactions, when they were entered, and what changes were made—basic accountability information that any properly-run municipal government should maintain and make available to residents.

I even provided the Borough with a video demonstration showing how to generate these reports, which takes approximately 60 seconds using QuickBooks' standard "Export to Excel" function. My request was specific, technically accurate, and designed to minimize burden on Borough staff.

****What the Borough Did: A Pattern of "Don't Exist" Followed by Production****

****July 2025: Borough Claims Records Don't Exist****

On July 23, 2025, Borough Manager Bradford Flynn and Bookkeeper Julia Silvestri submitted sworn statements to the Office of Open Records claiming:

- ****Silvestri:**** "The Borough does not have any responsive custom reports in its physical or electronic possession."
- ****Flynn:**** Claimed he had already "provided" the records (he had not—the Borough conditioned access on payment of a fee I never agreed to pay).

****October 10, 2025: Borough Suddenly Produces Over 1,000 Pages****

On October 10, 2025—the same day I filed my court appeal and exactly four hours and fifty-two minutes later—the Borough produced ****1,096 pages**** of the exact records they swore didn't exist.

Think about that timeline:

- ****1:00 PM:**** I file court appeal
- ****5:52 PM:**** Borough produces over 1,000 pages of "non-existent" records

If the records truly didn't exist in July, how did they suddenly materialize in October? If they existed all along (which they obviously did), why were Borough officials swearing under oath that they didn't?

****This Wasn't the First Time****

March 2025: Borough "Successfully Generated" 699 Pages

Four months before claiming these records don't exist, Bookkeeper Silvestri swore in a prior case (OOR Docket AP 2025-0522) that she "successfully generated custom reports" and produced **699 pages** covering an even larger set of accounts than I requested in June.

The Office of Open Records specifically found the Borough had produced these records without any issue.

The Mathematical Impossibility

Here's what makes this particularly troubling: My June request sought audit trails for **34 specific accounts**. In March, the Borough had successfully produced audit trails for **over 400 accounts** covering the exact same number range (#100-#499).

It is mathematically impossible to generate reports for 400+ accounts but claim you cannot generate reports for 34 specific accounts within that same range—unless you're deliberately refusing to provide records you know exist.

Why the Office of Open Records Sided With Me

The OOR agreed with my core legal argument: generating these reports from QuickBooks is not "creating new records" (which agencies aren't required to do). It's simply retrieving existing data from the Borough's database using standard software functions—like searching your email.

The Pennsylvania Supreme Court has been clear: if information exists in an agency's system and can be retrieved through ordinary means, it must be provided. The Borough's own March production proved they have this capability.

However, the OOR accepted the Borough's July sworn statements that the records "don't exist" without requiring any explanation for how March capability became July impossibility. That's why court review was necessary.

The Borough's October 15 Attack: Retaliation, Not Explanation

Five days after producing those 1,096 pages, Borough Manager Flynn published a lengthy blog post attacking my character, claiming my legal arguments are AI-generated fabrications, and calling for restrictions on public access to government records.

What the blog post conspicuously avoids mentioning:

1. **The Office of Open Records ruled in my favor** on the core legal issue (database extraction is not record creation)
2. **The Borough produced over 1,000 pages** of records they swore didn't exist
3. **The Borough had successfully produced identical records** four months earlier without claiming impossibility
4. **The timing of the October 10 production** (hours after my court filing) demonstrates the records were readily available all along

Instead of explaining these contradictions, the Borough chose to attack my credibility by highlighting citation format errors in one filing (a Petition for Reconsideration) while ignoring that I filed five separate legal documents in this case containing over 75 legal citations with 96% accuracy—and more importantly, that the Office of Open Records agreed with my substantive legal arguments regardless of citation formatting.

The Real Issues That Matter

1. Borough Manager Wears Multiple Hats—Creating Conflicts

Bradford Flynn serves simultaneously as:

- Borough Manager
- Borough Treasurer (responsible for maintaining financial records under state law)
- Borough Open Records Officer (responsible for responding to public records requests)

Pennsylvania law requires the Treasurer to maintain "distinct and accurate accounts" that must be "open to the inspection of any citizen." Yet as Open Records Officer, Flynn swore these very records don't exist.

This creates an impossible situation: Either Flynn isn't maintaining the records he's required to maintain as Treasurer (a violation of state law), or he's falsely claiming as Open Records Officer that records he maintains as Treasurer don't exist.

2. Annual Audits Require the Records the Borough Claims Don't Exist

Pennsylvania law requires annual audits of municipal accounts in accordance with Generally Accepted Auditing Standards (GAAS). Those standards specifically require auditors to test transaction trails and internal controls—the exact information contained in the audit trail reports I requested.

The Borough cannot simultaneously:

- Submit to annual GAAS-compliant audits (which require audit trail access), and
- Claim that audit trail records don't exist

The Borough's auditor either reviewed these records (proving they exist) or didn't review them (meaning the audits don't comply with Pennsylvania law).

3. The Pattern Spans Multiple Cases

This isn't an isolated incident. Over the past three years, I've made six different public records requests to the Borough. In multiple cases, the pattern has been:

- Initial response: "Records don't exist" or "Cannot be created"
- Appeal filed
- Borough eventually produces records (sometimes after months of litigation)

When government officials consistently claim records don't exist, then produce them after legal pressure, that's not good-faith disagreement about the law—it's obstruction of transparency.

What I'm Not Claiming

I want to be clear about what this appeal is **not** about:

- I am **not** claiming Borough officials are personally corrupt
- I am **not** alleging any specific financial wrongdoing based on these records
- I am **not** seeking records to embarrass anyone

I am simply asking that the Borough comply with Pennsylvania's transparency laws by providing the public financial records that residents have a legal right to inspect.

What I Am Asking the Court to Do

The purpose of my court appeal is straightforward:

1. **Find that the Borough's sworn statements that records "don't exist" were contradicted** by the Borough's own subsequent production of over 1,000 pages

2. ****Order the Borough to provide records in the requested format**** (Excel, not PDF) as required by Pennsylvania law, which says records must be provided in the format agencies use internally
3. ****Recognize that the timing and pattern of denial-then-production demonstrates bad faith****, warranting fee awards to deter future obstruction
4. ****Ensure that Borough officials who swear under oath that records don't exist face accountability**** when those records are later produced

**Why This Matters to Every Bath Resident**

This case is about more than one person's records request. It's about whether our local government operates with transparency or treats public records laws as obstacles to be evaded.

When government officials can claim records "don't exist," then produce them only after expensive litigation, it creates a two-tier system:

- Residents who can afford lawyers and court costs get records
- Everyone else is told the records don't exist

Pennsylvania's Right-to-Know Law was designed to ensure government transparency doesn't depend on wealth or legal expertise. The Borough's conduct defeats that purpose.

**The October 10 Production Proves the Point**

The Borough had 30 days (September 10 - October 10) to comply with the Office of Open Records' order to produce records. They waited until the last day—and only produced after I filed a court appeal.

The four-hour-and-fifty-two-minute gap between my court filing and their production tells you everything you need to know: The records were readily available. The Borough was simply waiting to see if I would give up.

**Responding to the "AI Fraud" Allegations**

The Borough's October 15 blog post claims my legal arguments are AI-generated fabrications. Let's examine the facts:

**The Office of Open Records Found Three Citation Format Errors**

In one filing (a Petition for Reconsideration), the OOR identified three citations where:

- One had the wrong reporter volume number (a typo)
- One couldn't be located as captioned (likely a citation format error)
- One was cited for a proposition on a different page than claimed

These were formatting errors, not fabricated cases. The legal principles I cited remain valid—which is why the Office of Open Records ruled in my favor on the substance.

**I Filed Five Documents With 75+ Citations and 96% Accuracy**

Across all my filings in this case, I cited:

- Over ****75 distinct legal authorities****
- ****26 Pennsylvania court decisions****
- ****25+ state statutes****
- ****5 prior Office of Open Records decisions****

Of those 75+ citations, three contained format errors—a ****96% accuracy rate**** for someone with no legal training representing himself.

More importantly: The Office of Open Records ****agreed with my substantive legal arguments****, finding that generating audit trails from QuickBooks is database extraction, not record creation. If my arguments were AI-generated nonsense, why did the OOR rule in my favor?

****What the Borough Doesn't Mention****

The blog post cherry-picks citation errors from one filing while ignoring:

- ****My prior filings contained correct citations**** for the same legal principles
- ****I acknowledged and corrected errors**** when they were identified
- ****The substantive legal arguments were validated**** by the OOR's ruling
- ****The Borough's own statements contain demonstrable falsehoods**** (claims that records "don't exist" when they produced 1,096 pages; claims the Manager "provided" records when he never did)

What Happens Next

The court process will now proceed:

1. The Borough will file a response to my appeal (deadline: November 9, 2025)
2. I will file a reply brief addressing their arguments
3. The court will review all filings and the certified record from the Office of Open Records
4. The court will issue a decision

I'm confident that when a judge reviews the complete record—including the timing of the October 10 production and the contradiction between July's "don't exist" claims and October's 1,096-page production—the pattern of obstruction will be clear.

A Simple Question for Borough Officials

If these records truly didn't exist in July (as you swore under oath), how did you produce 1,096 pages in October—and why did you wait until four hours after my court filing to do so?

The residents of Bath deserve an answer based on facts, not attacks on my character or complaints about citation formatting.

Final Thoughts: Transparency Should Be the Default

I didn't want to take the Borough to court. I would have much preferred that my June request be answered promptly and completely, as the law requires.

But when government officials repeatedly claim records "don't exist," then produce them only after legal pressure, court oversight becomes necessary.

Pennsylvania's Right-to-Know Law exists because the legislature recognized that transparency requires enforcement mechanisms. Without the threat of court review and bad faith findings, agencies have every incentive to deny first and produce later—if at all.

This case will determine whether the Borough of Bath is subject to the same transparency requirements as every other municipality in Pennsylvania, or whether our Borough can evade those requirements by making false sworn statements, then producing records only when forced by litigation.

The answer should be obvious. We'll see if the court agrees.