

## **FINAL DETERMINATION**

DATE ISSUED AND MAILED: April 19, 2024

IN RE: *Tim Earle v. Robinson Township (Allegheny)*; OOR Dkt. AP 2024-0870

On March 4, 2024, Tim Earle (“Requester”) submitted a request (“Request”) to Robinson Township (“Township”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* The Request sought “[a] copy of the fully executed Settlement Agreement between *Lamar Advantage, et al. v. Township of Robinson, et al.* in the United States District Court, Western District at No. 21-CV-00183 including exhibits attached thereto.” The Township did not respond within five business days of receiving the Request and the Request was, therefore, deemed denied on March 11, 2024. 65 P.S. § 67.901. On March 29, 2024, 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 Township did not comply with the RTKL by timely responding to the Request; nor did the Township participate on appeal by submitting legal argument or evidence in support of withholding records.<sup>1</sup> Accordingly, the Township did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, and the Township is required to provide the requested records to the Requester 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 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 Section 1303 of the RTKL, 65 P.S. § 67.1303, but as the quasi-judicial tribunal that adjudicated this matter, the OOR is not a proper party to any appeal and should not be named as a party.<sup>2</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto:oor-postfd@pa.gov). This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:  
/s/ Angela Edris

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ANGELA EDRIS, APPEALS OFFICER

Sent via the OOR Appeals Portal to: Tim Earle; Frank Piccolino, AORO

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<sup>1</sup> On April 16, 2024, the OOR issued correspondence via its Appeals Portal to the Township inquiring if it intended to respond to the appeal. The Township was asked to respond by close of business on April 18, 2024. To date, no response from the Township has been received.

<sup>2</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).