

Dauphin County District Attorney's Office, OOR Dkt. AP 2016-0053, 2016 PA O.O.R.D. LEXIS 2016-158; *Riches v. Chester County*, OOR Dkt. AP 2015-2636, 2015 PA. O.O.R.D. LEXIS 2148. Here, the Department's Open Records Officer attests that the Requester owes fees associated with seven prior RTKL requests in the total amount of \$85.24. The Department also submitted copies of the invoices. Under the RTKL, a statement made under the penalty of perjury may serve as sufficient evidentiary support to sustain an agency's burden of proof. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). Based on the evidence submitted, the Department has established that the Requester owes outstanding fees to the Department, and therefore, permissibly denied the Requests. *See* 65 P.S. § 67.901.

For the foregoing reasons, the appeal is **denied**, and the Department is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Commonwealth Court. 65 P.S. § 67.1301(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. 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 This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: August 22, 2016

/s/ Kyle Applegate

APPEALS OFFICER
KYLE APPLGATE, ESQ.

Sent to: Sandi Miller (via e-mail only);
Jeffrey Spotts, Esq. (via e-mail only);
Angela Rainey, Esq. (via e-mail only)

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