pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
STEVEN BURDA,	:	
Requester	:	
	:	
v.	:	**Docket No.: AP 2016-1419**
	:	
TRAPPE BOROUGH,	:	
Respondent	:	

INTRODUCTION

On August 15, 2016, Steven Burda ("Requester") submitted a request ("Request") to Trappe Borough ("Borough") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.*, seeking the salary/wage information "of all the [Borough] employees/staff/contractors … [and] any persons receiving compensation from [the] Borough," including bonuses, for 2014, 2015, and 2016. The Borough did not respond within five business days, and the Request was deemed denied on August 22, 2016. 65 P.S. § 67.901. On August 24, 2016, the Borough purported to deny the Request, stating that "specific documents were not requested."

On August 24, 2016, the Requester appealed to the Office of Open Records ("OOR"), stating grounds for disclosure. The OOR invited both parties to supplement the record. On September 12, 2016, the Borough provided a document containing salaries paid to Borough employees for 2014, 2015, and 2016.[1] On September 21, 2016, the Borough submitted the sworn affidavit of Richard Watt, Esq., the Borough's solicitor, who attests that the Borough's submission contains "all of the salary/wage information requested by [the Requester] … that is in the possession of the Borough and further that the Borough possesses no other information described in the Request."

[1] The Requester objected to this submission, arguing that the record in this matter had closed. However, while the OOR received the Borough's submission after the record closed, it was considered by the OOR during the disposition of this appeal, as it contained information that was requested in the Request. *See* 65 P.S. § 67.1102(a)(2).

On appeal, the Borough provided responsive information to the Requester and provided evidence that no other responsive information exists in the possession of the Borough. As a result, the appeal is moot.

For the foregoing reasons, the Requester's appeal is **dismissed as moot**, and the Borough is not required to take any further action. This Final Determination is binding on the parties. Within thirty days of the mailing date of this determination, either party may appeal to the Montgomery 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 with 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.[2] This Final Determination shall be placed on the OOR website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: September 23, 2016

/s/ Kyle Applegate

APPEALS OFFICER
KYLE APPLEGATE, ESQ.

Sent to: Steven Burda (via e-mail only);
Robert Umstead (via e-mail only);
Richard Watt, Esq. (via e-mail only)

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