

County of Centre

Office of Prothonotary and Clerk of Courts



Centre County Courthouse, 102 S. Allegheny St., Rm. 102, Bellefonte, PA 16823
Phone: 814-355-6796 Facsimile: 814-355-8686

Jeremy S. Breon
Prothonotary and Clerk of Courts

Helen A. Stolinas, Esquire
Solicitor

Paula Knudsen Burke, Esq.

RE: Centre County Docket No 2025-CV-2635-CI

BRETT PALLOTTO and CENTRE DAILY TIMES v. PENNSYLVANIA STATE UNIVERSITY POLICE
AND PUBLIC SAFETY

<u>Time-Stamp Date</u>	<u>Filing</u>	<u>Fee Amount</u>
09/24/2025	New Civil Action	\$177.50
09/24/2025	.25 per page after 25 pages (11 pages)	\$2.75
TOTAL AMOUNT DUE UPON RECEIPT.....		\$180.25

For our fee schedule go to: www.co.centre.pa.us. Under offices choose *Prothonotary* and at the left column, *fee schedule*.

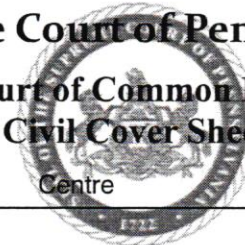
Per E-mail filed on 09/24/2025

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

Centre

County



<i>For Prothonotary Use Only:</i>	
Docket No:	2025-CV-2635-C1

FILED FOR RECORD BY EMAIL
 2025 SEP 24 PM 03 02
 JEREMY S. BREON
 PROTHONOTARY
 CENTRE COUNTY, PA
 TIME

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- Complaint Writ of Summons Petition
 Transfer from Another Jurisdiction Declaration of Taking

Lead Plaintiff's Name:

Bret Pallotto

Lead Defendant's Name:

Pennsylvania State University Police and Public Safety

Are money damages requested? Yes No

Dollar Amount Requested: within arbitration limits
(check one) outside arbitration limits

Is this a *Class Action Suit*? Yes No

Is this an *MDJ Appeal*? Yes No

Name of Plaintiff/Appellant's Attorney: Paula Knudsen Burke

Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- Intentional
 Malicious Prosecution
 Motor Vehicle
 Nuisance
 Premises Liability
 Product Liability (does not include mass tort)
 Slander/Libel/ Defamation
 Other: _____

CONTRACT (do not include Judgments)

- Buyer Plaintiff
 Debt Collection: Credit Card
 Debt Collection: Other _____
 Employment Dispute: Discrimination
 Employment Dispute: Other _____
 Other: _____

CIVIL APPEALS

- Administrative Agencies
 Board of Assessment
 Board of Elections
 Dept. of Transportation
 Statutory Appeal: Other
 Office of Open Records _____
 Zoning Board
 Other: _____

MASS TORT

- Asbestos
 Tobacco
 Toxic Tort - DES
 Toxic Tort - Implant
 Toxic Waste
 Other: _____

REAL PROPERTY

- Ejectment
 Eminent Domain/Condemnation
 Ground Rent
 Landlord/Tenant Dispute
 Mortgage Foreclosure: Residential
 Mortgage Foreclosure: Commercial
 Partition
 Quiet Title
 Other: _____

MISCELLANEOUS

- Common Law/Statutory Arbitration
 Declaratory Judgment
 Mandamus
 Non-Domestic Relations Restraining Order
 Quo Warranto
 Replevin
 Other: _____

PROFESSIONAL LIABILITY

- Dental
 Legal
 Medical
 Other Professional: _____

**IN THE COURT OF COMMON PLEAS
CENTRE COUNTY, PENNSYLVANIA**

BRET PALLOTTO and CENTRE DAILY TIMES,
Petitioners

V.

PENNSYLVANIA STATE UNIVERSITY
POLICE AND PUBLIC SAFETY,
Respondent.

Docket No. 2025-CN-2635-CI

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this petition and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defense or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff.

You may lose money or property or other rights important to you. You should take this paper to your lawyer at once. If you do not have a lawyer, go to or

telephone the office set forth below. This office can provide you with information about hiring a lawyer.

**Centre County Bar Association
192 Match Factory Pl
Bellefonte, PA 16823
(814) 548-0052**

IN THE COURT OF COMMON PLEAS OF CENTRE COUNTY,
PENNSYLVANIA
CIVIL ACTION - LAW

BRET PALLOTTO and)
THE CENTRE DAILY TIMES,)

Petitioners,)

vs.)

PENNSYLVANIA STATE)
UNIVERSITY POLICE AND)
PUBLIC SAFETY,)

Respondent.)

Docket No: 2025-CV-2635-CI

Type of Case: Appeal

Type of Pleading: Petition

Filed on Behalf of: Petitioners

Counsel of Record for this Party:

Paula Knudsen Burke
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
PO Box 1328
Lancaster, PA 17608
Tel: (717) 370-6884
Fax: (202) 795-9310
pknudsen@rcfp.org
PA I.D. No. 87607

NOTICE OF APPEAL AND PETITION FOR REVIEW

Bret Pallotto and the Centre Daily Times (“CDT”) petition for review of the Final Determination of the Office of Open Records (“OOR”) docketed at OOR Docket No. AP 2025-1790, and in support of their petition allege:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this statutory appeal pursuant to 42 Pa.C.S. § 933(a)(3) and 65 P.S. § 67.1302(a).
2. Venue is proper in this Court pursuant to 65 P.S. § 67.1302(a).

PARTIES

3. Petitioners are newspaper reporter Bret Pallotto and his employer CDT, a news outlet serving Centre County through print and digital publications. Together, Pallotto and CDT (“Petitioners”) are “requesters” as defined by the Pennsylvania Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* Petitioners’ business address is 221 W. High St., Suite 1300, Bellefonte, PA 16823.

4. Respondent Pennsylvania State University Police and Public Safety (“the Department” or “Penn State Police”) is an “agency” as defined by the RTKL with offices at 150 University Support Building, University Park, PA 16802.

DETERMINATION TO BE REVIEWED

5. The OOR, which has its office at 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234, is a governmental unit established to receive and

determine appeals of agency RTKL decisions pursuant to Sections 1101 and 1310 of the RTKL.

6. The August 25, 2025 OOR Final Determination in Docket No. AP 2025-1790 to be reviewed is attached and incorporated herein as **Exhibit A**.

STANDARD AND SCOPE OF REVIEW

7. OOR decisions are not afforded any deference; rather, courts “independently review” and “conduct full *de novo* reviews of appeals from decisions made by RTKL appeals officers.” *Bowling v. Office of Open Records*, 75 A.3d 453, 459, 474 (Pa. 2013).

BACKGROUND

8. On June 12, 2025, Petitioners filed a RTKL request (“Request”) seeking “[d]etailed payroll records including overtime pay for all Pennsylvania State University Police and Public Safety police officers from January 1, 2024 to December 31, 2024.” The Request is attached and incorporated herein as **Exhibit B**.

9. The Pennsylvania State University (“University”) denied the Request via an email to Petitioner on June 13, 2025. The University’s June 13, 2025 email to Petitioner is attached and incorporated herein as **Exhibit C**.

10. The University denied the Request in full on the asserted basis that the Department is a unit of the University, which is not a Commonwealth or local agency under the RTKL. *See* Ex. C.

11. On June 26, 2025, Petitioners appealed the University's denial of the Request to the OOR. The June 26, 2025 Appeal is attached and incorporated herein as **Exhibit D**.

12. On August 25, 2025, the OOR issued and mailed its Final Determination, denying Petitioners' Appeal and holding that Respondent was not required to take any further action. Ex. A. The OOR concluded that it does not have jurisdiction to hear Petitioners' Appeal because the Pennsylvania State University is not an "agency" as defined by the RTKL.

**THE OOR ERRED IN HOLDING THAT RESPONDENT IS
NOT AN AGENCY SUBJECT TO THE RTKL**

13. The Pennsylvania State University Police and Public Safety ("the Department" or "Penn State Police") must comply with the RTKL because it operates as a local agency, which is defined, in part, as "[a]ny local, intergovernmental, regional or municipal agency, authority, council, board, commission or similar governmental entity." 65 P.S. § 67.102. Local agencies "shall provide public records in accordance with" the RTKL. 65 P.S. § 67.302.

14. The Department qualifies as a local agency under the *Venango* factors, which assess: (i) government control of the entity's operation, (ii) governmental

function, and (iii) the level of financial control the government has over the entity. See *In re Right to Know Law Request Served on Venango County's Tourism Promotion Agency* (“*Venango*”), 83 A.3d 1101, 1108–09 (Pa. Commw. Ct. 2014).

15. Applying the *Venango* factors to the instant case, all three questions are answered in the affirmative and the Department qualifies as a local agency subject to the RTKL.

16. First, there exists “government control” of the Penn State Police’s operations. All Penn State Police officers are required to be certified under the standards of the Municipal Police Officers’ Education and Training Commission (MPOETC). *Sworn Police Officer Opportunities*, Pa. State Univ. Police & Pub. Safety, <https://www.police.psu.edu/career-opportunities>. The Department’s officers are also required to maintain active Act 120 certification—the certification course for Pennsylvania police officers. *Id.* Further training required includes 12 hours of annual mandatory training from the Pennsylvania MPOETC. *Training*, Pa. State Univ. Police & Pub. Safety, <https://www.police.psu.edu/training-a>.

17. MPOETC certifications are issued by a commission established as a state agency, which itself is subject to the RTKL.¹ 53 Pa.C.S. § 2161.

¹ *Right-to-Know Requests and Subpoenas*, Mun. Police Officers’ Educ. & Training Comm’n, <https://www.pa.gov/agencies/mpoetc/about-us/rtkl-subpoena.html>.

18. The Department's officers are subject to the Municipal Police Officers Training Act, which establishes standards for every police officer in the state. 53 Pa.C.S. § 2164; *see also Sworn Police Officer Opportunities, supra* (requiring candidates to be MPOETC-certified).

19. Second, Respondent is serving a government function because police forces, like the Department's, and other "emergency service providers" serve "essential government function[s]." *Pysher v. Clinton Twp. Volunteer Fire Co.*, No. 766 C.D. 2022, 2023 WL 6930835, at *2 (Pa. Commw. Ct. May 24, 2023).

20. The function of a law enforcement agency, like the Department, is a "substantial facet of a government activity." *See Venango*, 83 A.3d at 1109.

21. The Department is a campus police department within the meaning of Section 2416.1 of the Administrative Code of 1929 and has the power to "exercise the same powers as . . . the police of the municipalities wherein the college or university is located, including, but not limited to, those powers conferred pursuant to 42 Pa.C.S. Ch. 89 Subch. D (relating to municipal police jurisdiction)." 71 P.S. § 646.1(a)(5).

22. Penn State Police, or "University Police," as referred to in internal documents, is described as "a full-service police department with sworn police officers who have full arrest powers, as well as other specialized services and units, including a K-9 Unit and Community Oriented Policing Unit." Pa. State Univ.,

Policies, Safety, & U: University Park Annual Security Report 7 (2024), <https://www.police.psu.edu/sites/police/files/2024-11/asr-penn-state-university-park-2024a.pdf>. The Penn State Police investigate all crimes that occur on or are reported on University property or campuses. *Id.* In 2023, these crimes included rape, assault, robbery, motor vehicle theft, and arson. *Id.* at 57. In 2024, Penn State Police conducted 525 arrests. *2024 Arrest Data*, Pa. State Univ. Police & Pub. Safety, <https://www.police.psu.edu/upps-data>.

23. The Department's own Rules and Regulations explain that its officers are "police officers":

The University has the authority under the provisions of Section 2416.1 of the Administrative Code of 1929 to appoint campus police officers who may exercise the same powers and authority as municipal officers in the Commonwealth. A decision to employ police officers who have the authority and obligation to enforce laws and carry out other police duties involves the acceptance of special responsibilities for management of the police function. Law enforcement is a governmental responsibility that the institution undertakes on behalf of the people of the Commonwealth.

Pa. State Univ., Police & Public Safety Policies: PS05 Police and Security Programs, <https://policy.psu.edu/policies/ps05> (last updated Dec. 6, 2024).

24. The Department is a functional equivalent of any other police department in the state, such as the State College Police Department or Bellefonte Police Department, both of which are clearly subject to the RTKL. *See, e.g.,*

Borough of State College, Open Records Policy, No. 2009-01 (Jan. 1, 2009), <https://content.civicplus.com/api/assets/3f4dd93f-0969-4fab-87d2-f8aea35c6330?version=0&q=fe4a4e9b-0243-540c-062a-dfbfb0b04749>.

25. The Department handles thousands of calls for service each year at University Park alone, with 2024 service calls totaling 14,990. *See* 2024 Calls for Service at University Park, Pa. State Univ. Police & Pub. Safety, <https://www.police.psu.edu/upps-data>.

26. As to the third *Venango* factor, the government exercises significant financial control over public money assigned to state-related institutions, including the Department. For instance, for the 2024–25 fiscal year, the University received \$242 million in state public funds. Halie Kines, *Penn State plans to request \$59 million increase in state funding for 2026-27*, Centre Daily Times (Sept. 12, 2025), <https://www.centredaily.com/news/local/education/penn-state/article312074133.html>. However, due to the limited applicability of the RTKL to state-related institutions themselves, 65 P.S. §§ 67.1501–1503, the exact nature of funding to the Department specifically is not clear.

27. The Department’s connection to a state-related institution does not isolate it from scrutiny under the RTKL. Had the OOR performed the proper analysis, it would have determined that Respondent is properly characterized as a local agency.

28. The Department is not a private police force formed to enforce rules unique to the University campus; it is a government police force with the same law enforcement powers as other police agencies in the state.

29. The OOR erred in deciding that Respondent is not an “agency” subject to the RTKL, and instead a “state-related institution,” limiting its obligations. Ex. A at 3–4; *see also* 65 P.S. § 67.102.

30. The OOR’s decision that it does not have jurisdiction to hear Petitioners’ Appeal was incorrect as a matter of law because the Department is a “local agency” subject to the public records requirements of the RTKL, 65 P.S. § 67.302, and the OOR is empowered to review an appeal of Respondent’s denial of Petitioners’ Request. 65 P.S. § 67.1310(a)(5).

STATEMENT OF THE RELIEF SOUGHT

WHEREFORE, Petitioners Bret Pallotto and Centre Daily Times respectfully request that this Honorable Court:

- (a) Reverse the OOR determination of August 25, 2025 and order the release of the requested records; or
- (b) In the alternative, allow Requesters to supplement the record before this Honorable Court; or
- (c) In the alternative, remand the matter back to the OOR for a full evidentiary hearing pursuant to Pa.R.A.P. 1542, including testimony and argument.

Dated: September 24, 2025

Respectfully submitted,

/s/ Paula Knudsen Burke

Paula Knudsen Burke

PA I.D. No. 87607

REPORTERS COMMITTEE FOR

FREEDOM OF THE PRESS

PO Box 1328

Lancaster, PA 17608

Tel: (717) 370-6884

Fax: (202) 795-9310

pknudsen@rcfp.org

*Counsel of Record for Bret Pallotto and the
Centre Daily Times*

VERIFICATION

I, Bret Pallotto, hereby state that the facts above set forth in the Notice of Appeal and Petition for Review are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



(signature)
Bret Pallotto

Date: 9/20/25

PROOF OF SERVICE

I hereby certify that I have served the foregoing document, Notice of Appeal and Petition for Review, upon the persons listed on the date and in the manner indicated below, which satisfies the requirements of Pa.R.A.P. 121.

By email and U.S. mail:

Kelly Mroz
Pennsylvania State University
Office of the General Counsel
227 West Beaver Avenue, Suite 507
State College, PA 16801
mroz@psu.edu

Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
oor-postfd@pa.gov

Dated: September 24, 2025

/s/ Paula Knudsen Burke
Paula Knudsen Burke
PA I.D. No. 87607
REPORTERS COMMITTEE FOR
FREEDOM OF THE PRESS
PO Box 1328
Lancaster, PA 17608
Tel: (717) 370-6884
Fax: (202) 795-9310
pknudsen@rcfp.org

*Counsel of Record for Bret Pallotto and the
Centre Daily Times*

CERTIFICATE OF COMPLIANCE WITH PUBLIC ACCESS POLICY

On this 24th day of September 2025, I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: /s/*Paula Knudsen Burke*
Attorney No.: 87607

Exhibit A



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:
	:
BRET PALLOTTO and CENTRE DAILY TIMES, Requester	:
	:
v.	:
	:
	: Docket No: AP 2025-1790
	:
PENNSYLVANIA STATE UNIVERSITY POLICE AND PUBLIC SAFETY, Respondent	:
	:

On June 12, 2025, Bret Pallotto and Centre Daily Times (collectively the “Requester”) submitted a request (“Request”) to the Pennsylvania State University (“University”) Police and Public Safety (“University Police”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

Detailed payroll records including overtime pay for all [University Police] [] officers from January 1, 2024 to December 31, 2024.

On June 13, 2025, the University denied the Request, asserting that University Police is a department of the University, and as a result, does not qualify as an agency and is not subject to the RTKL. 65 P.S. § 67.102.

On June 26, 2025, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure.¹ Specifically, the Requester argues that University Police is a fully functional police agency, separate from the University. As such, the factors in *In re Venango County’s Tourism Promotion Agency and Lead Economic Development Agency* (“*Venango*”) apply to University Police.² The OOR invited both parties to supplement the record and directed University Police to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On July 9, 2025, the University submitted a position statement and evidence arguing that University Police is an administrative unit of the University, which is not a “Commonwealth agency” or a “local agency,” and cannot be severed from the University. Secondly, the University argues that since University Police cannot be separated from the University, the *Venango* factors are not relevant in analyzing whether University Police is an agency subject to the RTKL. In support of its position, the University submitted an affidavit, duly sworn, authored by Sara F. Thorndike, Ed.D. (“Thorndike Affidavit”), the University’s Senior Vice President for Finance and Business and Chief Financial Officer.

Records in the possession of local agencies are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. Local agencies are required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as “such proof as leads the fact-finder ... to find that the existence of a contested

¹ The Requester granted the OOR a thirty-day extension to issue a Final Determination. *See* 65 P.S. § 67.1101(b)(1) (“Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).”).

² *In re Venango County’s Tourism Promotion Agency and Lead Economic Development Agency*, 83 A.3d 1101(Pa. Commw. Ct. 2014).

fact is more probable than its nonexistence.” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep’t of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

The University is neither a “Commonwealth agency” or a “local agency” for purposes of the RTKL. See *Bagwell v. Pa. Dep’t of Educ.*, 76 A.3d 81, 87-88 (Pa. Commw. Ct. 2013); 65 P.S. § 67.102 (excluding state-related institutions such as the University from the definition of “State-affiliated entity” and “agency”). The OOR is without jurisdiction to consider appeals of requests not directed to Commonwealth agencies or local agencies. 65 P.S. § 67.503. As noted by the University, University Police is supervised by Ms. Thorndike, an employee of the University since 2021. Thorndike Affidavit ¶¶ 2, 8.³ University Police is an administrative unit of the University, not a separate legal entity. Thorndike Affidavit ¶ 7. University Police was established by the University, and all police officers within the University Police are employees of the University. Thorndike Affidavit ¶ 12. Further, the OOR has previously found that University Police is an administrative department of the University and as a result, is not subject to the OOR’s jurisdiction. See *Lavigne v. Pennsylvania State University*, OOR Dkt. AP 2011-1470, 2011 PA O.O.R.D. 1201; see also *Hoyer v. Penn State Campus Police*, OOR Dkt. AP 2015-0451, 2015 PA O.O.R.D. LEXIS 415 (holding that the Penn State University Police is excluded from the definition of “agency” under the RTKL); *Bard v. University of Pittsburgh Police Dep’t*, OOR Dkt. AP 2025-0898, 2025 PA O.O.R.D. LEXIS 763; *Bluestine v. Temple University Police Dep’t*, OOR Dkt. AP 2011-0344, 2011 PA O.O.R.D. LEXIS 125. If the General Assembly wished to make the University Police

³ Under the RTKL, a sworn affidavit or statement may serve as sufficient evidentiary support. 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). In the absence of any evidence that the University has acted in bad faith, “the averments in [the affidavit] should be accepted as true.” *McGowan v. Pa. Dep’t of Envtl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

subject to the OOR's jurisdiction, they could have explicitly done so. Instead, the General Assembly made the University a "State-related institution" with its own reporting requirements, demonstrating a clear legislative intent to treat the University and its departments differently from Commonwealth and local agencies, as defined by the RTKL. Thus, the University Police, as part of the University, is not subject to the OOR's jurisdiction.

For the foregoing reason, the appeal is **dismissed**, and neither the University nor the University Police are required to take any further action in this appeal. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to a court with competent jurisdiction. 65 P.S. §§ 67.1301(a), 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 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.⁴ 65 P.S. § 67.1303. All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: August 25, 2025

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ.
APPEALS OFFICER

Sent via portal only to: Bret Pallotto; Kelly Mroz, Esq.

⁴ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

Exhibit B



Pennsylvania
Office of Open Records

Standard Right-to-Know Law Request Form

Please read carefully. Complete this form and retain a copy of **both** pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. More information about the RTKL is available at <https://www.openrecords.pa.gov>. In most cases, a completed RTKL request form is a public record.

SUBMITTED TO AGENCY NAME: Penn State University Police and Public Safety (Attn: AORO)

Date Request Submitted: 6/12/25 Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Full Name: Bret Pallotto

Company (if applicable): Centre Daily Times

Please send response via: Email U.S. Mail

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: bpallotto@centredaily.com

Mailing Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States. I understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.

RECORDS REQUESTED: Provide as much detail as possible, including subject matter, time frame, and type of record sought. RTKL requests must seek records, not ask questions. Use additional pages if necessary.

Detailed payroll records including overtime pay for all Pennsylvania State University Police and Public Safety police officers from January 1, 2024 to December 31, 2024.

Form continues on page 2. Retain a copy of **both** pages.

RECORDS REQUESTED (continued):

DO YOU WANT COPIES? Yes, printed Yes, electronic No, in-person inspection

Records shall be provided in the medium requested if they exist in that medium; otherwise, they shall be provided in the medium in which they exist. See Section 701. Your request may require payment or prepayment of fees. View the Official RTKL Fee Schedule for more details.

I understand that my request may incur fees. Notify me before further processing if fees will be more than \$100 (or) \$25_____.

Do you want certified copies? Yes (may be subject to additional costs) No

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$ _____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

Retain a copy of both pages of this Form.

Exhibit C



Paula Knudsen Burke <pknudsen@rcfp.org>
To: Paula Knudsen Burke <pknudsen@rcfp.org>

Thu, Jun 26, 2025 at 12:26 PM

----- Forwarded message -----
From: **Mroz, Kelly Ann** <kxs171@psu.edu>
Date: Fri, Jun 13, 2025 at 3:14 PM
Subject: FW: Right-to-know request
To: bpallotto <bpallotto@centredaily.com>

Good afternoon,

My office received your recent request for records. Penn State's University Police and Public Safety is a department of The Pennsylvania State University. As you may know, The Pennsylvania State University is not a "Commonwealth Agency" or "Local Agency" as defined under Pennsylvania's Right-To-Know law, and the documents you have requested are not public records under Pennsylvania law.

Sincerely,

Kelly

Kelly Mroz | Associate General Counsel
The Pennsylvania State University
Office of the General Counsel
227 West Beaver Avenue, Suite 507 | State College, PA 16801
Phone: 814-867-5059 | mroz@psu.edu | Fax: 814-863-8469

From: Pallotto, Bret <bpallotto@centredaily.com>
Sent: Thursday, June 12, 2025 4:02 PM
To: UPPS-Records <UPPS-Records@psu.edu>
Subject: Right-to-know request

You don't often get email from bpallotto@centredaily.com. Learn why this is important
Hello. Attached is a right-to-know request. Thank you.

--

Exhibit C

Bret Pallotto

Reporter

814-231-4648

centredaily.com

CENTRE DAILY TIMES

Part of McClatchy News

 **RTK request.pdf**
227K

Exhibit D

OFFICE OF OPEN RECORDS
RIGHT TO KNOW LAW APPEAL

ATTORNEY FOR REQUESTERS:

Paula Knudsen Burke

REQUESTERS:

Centre Daily Times and reporter Bret Pallotto

221 W. High St., Suite 1300

Bellefonte, PA 16823

jmcallister@centredaily.com

bpallotto@centredaily.com

AGENCY:

Pennsylvania State University Police and Public Safety

Kelly Mroz, Associate General Counsel

The Pennsylvania State University

Office of the General Counsel

227 West Beaver Avenue, Suite 507

State College, PA 16801

(814) 867-5059

mroz@psu.edu

RECORDS AT ISSUE IN THIS APPEAL:

Requesters sought “detailed payroll records including overtime pay for all Pennsylvania State University Police and Public Safety police officers from January 1, 2024 to December 31, 2024.”

RECORDS SUBMITTED TO AGENCY VIA: Email

DATE OF REQUEST: June 12, 2025

DATE OF RESPONSE: June 13, 2025

AGENCY OPEN RECORDS OFFICER:

Kelly Mroz

REQUESTERS' STATEMENT IN SUPPORT OF APPEAL:

The Pennsylvania State University Police and Public Safety Police (“PSU Police” or “Penn State Police”), through Penn State University’s Office of General Counsel, denied Requesters’ bid for documents on the basis that the application of the RTKL to Pennsylvania State University (“PSU”) is limited per § 67.1501 *et. seq.* However, the Penn State Police, a fully functional police agency, is separate from PSU and qualifies as a “local agency” under the *Venango* factors.

The *Venango* factors consider (i) government control of the entity’s operation, (ii) governmental function, and (iii) the level of financial control the government has over the entity. See *In re Right to Know Law Request Served on Venango Cnty.’s Tourism Promotion Agency & Lead Econ. Dev. Agency*, 83 A.3d 1101, 1108–09 (Pa. Commw. Ct. 2014) (hereinafter “*Venango*”).

Here, the government has control over the Penn State Police force. The police officers at Penn State are “sworn police officers who have full law enforcement authority.”¹ They are also certified by the state Municipal Police Officers’ Education and Training Commission (MPOETC) and are required to complete training at a Pennsylvania police academy.² Penn State Police is a functional equivalent of any other police department in the state, such as the City of Philadelphia Police Department or Harrisburg Bureau of Police, both of which are clearly subject to the RTKL.

Further, the history reflects that the legislature did not intend to exclude the police forces on the campuses of state-related institutions from the RTKL and it rather is the result of the unique private-public partnerships at the schools. The state-related institutions themselves are technically quasi-public institutions which receive substantial state appropriations. Bill Schackner, *Pitt, Penn State Escapes Parts of Open Records Law*, Pitt. Post Gazette (Feb. 17, 2008) <https://www.post-gazette.com/local/2008/02/17/Pitt-Penn-State-escape-parts-of-open-records-law/stories/200802170290>. They were not subject to the RTKL until the overhaul of the law in 2008. *Id.*

Despite their quasi-public status, the restriction on information does not apply to all information connected to a state-related institution. For example, salaries of state-related institution employees who willingly participate in Pennsylvania’s State Employee’s Retirement System are subject to the RTKL when requested from the State Employees’ Retirement Board. *Penn. State Univ. v. State Employee’s Retirement*, 594 Pa. 244 (Pa. 2007).

The records in this case illustrate expenditure of public funds for employees who are trained and certified by the Commonwealth of Pennsylvania and serve the central government function of law enforcement. The Right to Know Law expressly requires access to the records requested in this case because the public has a right to know who is working on their behalf, to whom public funds are disbursed and for what purpose. There is a significant public interest in this information as public access fosters an understanding of the role played by public employees, their duties and the public funding they receive as

¹ <https://www.police.psu.edu/university-police>.

² <https://www.police.psu.edu/career-opportunities>.

a result. Public access also promotes fairness in the distribution of public funds while discouraging nepotism and inappropriate expenditures. Public access provides a safeguard and means of accountability, and the RTKL recognizes this fact in its plain terms guaranteeing public access to basic employee records and salary information. See 65 P.S. 67.708(b)(6).

ATTACHMENTS

I have attached a copy of my request for records.

I have attached a copy of all responses from the Agency regarding my request.

I have attached any letters or notices extending the Agency's time to respond to my request.

I hereby agree to permit the OOR an additional 30 days to issue a final determination.

 I am interested in resolving this issue through OOR mediation. *(This stays the initial OOR deadline for the issuance of a final determination by 7 business days. If mediation is unsuccessful, the OOR has 30 days from the conclusion of the mediation process to issue a final determination.)*



Pennsylvania
Office of Open Records

Standard Right-to-Know Law Request Form

Please read carefully. Complete this form and retain a copy of **both** pages; this copy may be required if an appeal is filed. You have 15 business days to appeal after a request is denied or deemed denied. More information about the RTKL is available at <https://www.openrecords.pa.gov>. In most cases, a completed RTKL request form is a public record.

SUBMITTED TO AGENCY NAME: Penn State University Police and Public Safety (Attn: AORO)

Date Request Submitted: 6/12/25 Submitted via: Email U.S. Mail Fax In Person

PERSON MAKING REQUEST:

Full Name: Bret Pallotto

Company (if applicable): Centre Daily Times

Please send response via: Email U.S. Mail

If you wish to obtain records that only exist in hard copy, or must be provided on an electronic storage device, you may be required to provide a mailing address to the agency. See Section 703.

Email: bpallotto@centredaily.com

Mailing Address: _____

City: _____ State: _____ Zip: _____ Telephone: _____

How do you prefer to be contacted if the agency has questions? Telephone Email U.S. Mail

By checking this box, I affirm that my full name and contact information is true and correct, and that I am a legal resident of the United States. I understand that failure to check this box may result in the denial of my request and the dismissal of any appeal filed with the Office of Open Records.

RECORDS REQUESTED: Provide as much detail as possible, including subject matter, time frame, and type of record sought. RTKL requests must seek records, not ask questions. Use additional pages if necessary.

Detailed payroll records including overtime pay for all Pennsylvania State University Police and Public Safety police officers from January 1, 2024 to December 31, 2024.

Form continues on page 2. Retain a copy of **both** pages.

RECORDS REQUESTED (continued):

DO YOU WANT COPIES? Yes, printed Yes, electronic No, in-person inspection

Records shall be provided in the medium requested if they exist in that medium; otherwise, they shall be provided in the medium in which they exist. See Section 701. Your request may require payment or prepayment of fees. View the Official RTKL Fee Schedule for more details.

I understand that my request may incur fees. Notify me before further processing if fees will be more than \$100 (or) \$25_____.

Do you want certified copies? Yes (may be subject to additional costs) No

ITEMS BELOW THIS LINE FOR AGENCY USE ONLY

Tracking: _____ Date Received: _____ Response Due (5 bus. days): _____

30-Day Ext.? Yes No (If Yes, Final Due Date: _____) Actual Response Date: _____

Request was: Granted Partially Granted & Denied Denied Cost to Requester: \$ _____

Appropriate third parties notified and given an opportunity to object to the release of requested records.

Retain a copy of both pages of this Form.

(no subject)

1 message

Paula Knudsen Burke <pknudsen@rcfp.org>
To: Paula Knudsen Burke <pknudsen@rcfp.org>

Thu, Jun 26, 2025 at 12:26 PM

----- Forwarded message -----

From: **Mroz, Kelly Ann** <kxs171@psu.edu>
Date: Fri, Jun 13, 2025 at 3:14 PM
Subject: FW: Right-to-know request
To: bpallotto <bpallotto@centredaily.com>

Good afternoon,

My office received your recent request for records. Penn State's University Police and Public Safety is a department of The Pennsylvania State University. As you may know, The Pennsylvania State University is not a "Commonwealth Agency" or "Local Agency" as defined under Pennsylvania's Right-To-Know law, and the documents you have requested are not public records under Pennsylvania law.

Sincerely,

Kelly

Kelly Mroz | Associate General Counsel
The Pennsylvania State University
Office of the General Counsel
227 West Beaver Avenue, Suite 507 | State College, PA 16801
Phone: 814-867-5059 | mroz@psu.edu | Fax: 814-863-8469

From: Pallotto, Bret <bpallotto@centredaily.com>
Sent: Thursday, June 12, 2025 4:02 PM
To: UPPS-Records <UPPS-Records@psu.edu>
Subject: Right-to-know request

You don't often get email from bpallotto@centredaily.com. Learn why this is important

Hello. Attached is a right-to-know request. Thank you.

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Exhibit D

Bret Pallotto

Reporter

814-231-4648

centredaily.com

CENTRE DAILY TIMES

Part of McClatchy News

 **RTK request.pdf**
227K