



## FINAL DETERMINATION

DATE ISSUED AND MAILED: April 29, 2026

IN RE: *Choi Lynn v. Pennsylvania Historical and Museum Commission*;  
OOR Dkt. AP 2026-1711

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is **DISMISSED** because:

**The appeal is insufficient.** The Requester does not address the Commission’s reason(s) for denial or otherwise state why the records are public records; instead, the Requester seeks only the waiver of fees. However, granting a fee waiver is outside the purview of the OOR. *See Pa. Dep’t of Pub. Welf. v. Froehlich ex. rel. Cmty. Legal Servs.*, 29 A.3d 863, 868-69 (Pa. Commw. Ct. 2011) (concluding that a fee waiver is not a denial of access and therefore there is no express right under the RTKL to appeal to the OOR). Because the appeal fails to raise an issue which the OOR has jurisdiction to adjudicate, the appeal is not sufficient under 65 P.S. § 67.1101(a)(1). The Requester is not prohibited from filing a new appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1). The OOR’s online appeal form can be accessed at <https://www.openrecords.pa.gov/Appeals/AppealForm.cfm>.

For this reason, the Commission is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with 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 65 P.S. § 67.1303. 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.<sup>1</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/ Joshua T. Young

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Senior Deputy Chief Counsel  
Joshua T. Young, Esq.

Sent via E-File Portal to: Requester; Agency Open Records Officer, Pennsylvania Historical and Museum Commission

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<sup>1</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).