



**pennsylvania**  
OFFICE OF OPEN RECORDS

**FINAL DETERMINATION**

<b>IN THE MATTER OF</b>	:	
	:	
<b>LARRY MOORE AND</b>	:	
<b>BABST CALLAND,</b>	:	
<b>Requester</b>	:	
	:	
<b>v.</b>	:	<b>Docket No.: AP 2026-0836</b>
	:	
<b>PERRYOPOLIS BOROUGH,</b>	:	
<b>Respondent</b>	:	

The Office of Open Records (“OOR”) received the above-captioned appeal under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* For the following reasons, the appeal is **DISMISSED.**

On February 17, 2026, Larry Moore, on behalf of Babst Calland, (“Requester”) submitted a request (“Request”) to the Perryopolis Borough (“Borough”) pursuant to the RTKL, seeking a solar energy zoning amendment adopted by the Borough on November 12, 2025.

As the Requester did not receive the Borough’s response within five business days of the Request, the Requester claimed that the Request was deemed denied. *See* 65 P.S. § 67.901.

On March 5, 2026, the Requester filed an appeal with the OOR. *See* 65 P.S. § 67.901. The OOR invited both parties to supplement the record and directed the Borough to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On March 17, 2026, the Borough submitted responsive records to the Request, namely, Section 27-423 of the Perryopolis Borough Zoning Code regarding Solar Energy Systems enacted on November 12, 2025. The OOR sent correspondence on March 18, 2026, asking Requester to notify the OOR whether the responsive records satisfy his Request or if he wished to continue with the appeal by March 25, 2026; otherwise, the matter would be considered resolved and the case closed. To date, Requester has not submitted any response.<sup>1</sup> Therefore, because the Borough provided all responsive records to the Requester, the appeal is **dismissed as moot**. *See Chester Water Auth. v. Pa. Dep't of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records and, thus, “the controversy has been mooted”).

The file is now closed and no further action will be taken. This Final Determination is binding on the parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Fayette 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 65 P.S. § 67.1303, but 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>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 OOR website at: <http://openrecords.pa.gov>.

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<sup>1</sup> Requester accessed the E-File Portal on March 17, 2026 and March 18, 2026, indicating he reviewed both the responsive records provided by the Borough as well as the OOR’s correspondence.

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

**FINAL DETERMINATION ISSUED AND MAILED: April 30, 2026**

*/s/ Julie Sodl*

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APPEALS OFFICER

JULIE SODL

Sent via E-File Portal to: Larry Moore, Babst Calland  
Agency Open Records Officer, Perryopolis Borough