



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

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**GLORIA KOEHLINGER,
Requester**

v.

: Docket No: AP 2026-1430

**JEFFERSON HILLS BOROUGH,
Respondent**

On April 2, 2026, Gloria Koehlinger (“Requester”) submitted a request (“Request”) to Jefferson Hills Borough (“Borough”) pursuant to the Right-to-Know Law (“RTKL”),¹ 65 P.S. §§ 67.101 *et seq.*, seeking the following:

[Item 1.] The latest application of TowerCo and any updates or supplements to its application (Conditional Use Application CU-2-2025).

[Item 2.] The final [Conditional Use] [A]pplication [CU-2-2025] of TowerCo ... that it intends to use at the Conditional Use Hearing.

On April 8, 2026, the Borough purported to grant the Request, providing certain responsive records and further asserting that Exhibits C, U and V of the Conditional Use Application (“Responsive Exhibits”) could only be accessed by the Requester in-person at the Borough’s office because they contain propriety information and trade secrets. *See* 65 P.S. § 67.708(b)(11).

¹ Although the Request was submitted electronically on Wednesday, April 1, 2026, at 9:30 p.m., it was not actually received by the Borough until Thursday, April 2, 2026.

That same day, the Requester appealed to the Office of Open Records (“OOR”),² arguing that the Borough improperly restricted her access to the Responsive Exhibits; that it failed to provide an affidavit demonstrating that it was permitted to withhold those records under 65 P.S. § 67.708(b)(11) and that said records are subject to redaction under 65 P.S. § 67.706.³ The OOR invited both parties to supplement the record and directed the Borough to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On April 17, 2026, the Borough submitted a position statement, asserting that the appeal is moot because the Requester accessed the Responsive Exhibits in-person on April 9, 2026, and she was also provided with copies of those records on April 16, 2026, after they were made public at the April 15, 2026 conditional use hearing. In support of its position, the Borough submitted the verification of Michael S. Glister, P.E., Borough Manager (“Glister Attestation”), which verifies that the facts contained within the Borough’s position statement are true and correct.

On April 20, 2026, the OOR directed the Requester to review the disclosed records and to identify all outstanding issues on appeal by April 30, 2026.

In response, on April 29, 2026, the Requester filed correspondence (“Requester Attestation”)⁴ stating, in part, as follows:

... [T]he [Borough] has now provided the records that were the subject of this appeal. However, I respectfully note for the record that the responsive documents were provided after the initial [h]earing, and the delay materially impaired my ability to review the records in a timely manner and to seek legal counsel while the matter was pending. This submission is made solely to preserve that fact in the

² 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)”).

³ Although the Requester asked the OOR to conduct an *in camera* review, the OOR declines to do so because it has sufficient information and evidence before it to properly adjudicate this matter. *See* 65 P.S. § 67.1102(a)(2).

⁴ The Glister Attestation and the Requester Attestation are both made subject to penalties under 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities. Generally, under the RTKL, statements made under the penalty of perjury 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. Off. of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010).

appeal record. That said, as the records have now been produced, I do not request further relief from the [OOR] at this time. Accordingly, I have no objection to the appeal being marked resolved and closed.

Requester Attestation, p. 1.

Therefore, because it is uncontested that the Responsive Exhibits were disclosed to the Requester during the pendency of this matter and the Requester has not raised any issues for the OOR to adjudicate with respect to those records, the instant 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 all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Allegheny 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.⁵ 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: May 7, 2026

/s/ Megan Burns

MEGAN BURNS
APPEALS OFFICER

Sent via OOR Portal to: Gloria Koehlinger; Michael Glister, AORO; and CharLee Rosini, Esq.

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