



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

:

**VICTOR PEREZ,
Requester**

:

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:

:

v.

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Docket No: AP 2026-1341

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**READING PARKING AUTHORITY,
Respondent**

:

:

On March 26, 2026, Victor Perez (“Requester”) filed a request (“Request”) with Reading Parking Authority (“Authority”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking the following:

... [C]opies of all records reflecting, referencing, or relating to the establishment, modification, expansion, limitation, or implementation of parking enforcement hours by the [] Authority from January 1, 2008 to present, including any records maintained by or in coordination with the City of Reading.

This [R]equest includes, but is not limited to, any records evidencing changes to enforcement hours, including records reflecting the dates such changes were made, the prior and revised enforcement hours, and the authority under which such changes were implemented.

This [R]equest further includes any board resolutions, meeting minutes, policies, directives, memoranda, emails, or internal communications discussing, approving, or implementing parking enforcement hours, as well as any records relating to the communication of enforcement hours to the public.

If parking enforcement hours have remained constant and unchanged during the requested timeframe, please provide a written response stating that no records exist reflecting any modification or change in enforcement hours

On April 1, 2026, the Authority denied the Request, arguing that it is duplicative and burdensome, as it is the same as requests that were filed on November 19, 2025 and December 2, 2025, and nearly identical to a request filed on February 23, 2026.

On April 3, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. Specifically, the Requester argues that the Request is materially different from prior requests and seeks discrete, identifiable categories of records, including (1) ordinances, resolutions, or formally adopted actions authorizing twenty-four-hour-per-day enforcement, (2) Board of Directors meeting minutes, agendas, and voting records reflecting discussion or approval of enforcement hours, and (3) public notices and official communications. The OOR invited both parties to supplement the record and directed the Authority to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On April 16, 2026, the Authority submitted a statement made under the penalties of unsworn falsification to authorities by Mahlon J. Boyer, Esq. (“Boyer Attestation”), the Authority’s Open Records Officer (“AORO”). The Boyer Attestation provides the procedural history and attaches the previous requests.

On April 17, 2026, the Requester submitted two position statements, reiterating his argument that the Request was materially different from the previous requests and the Authority’s submission does not identify which portions of the previous requests were answered. On the same date, the Requester agreed to an extension of the Final Determination due date. *See* 65 P.S. § 67.1101(b)(1).

The Authority argues that the Request is duplicative and burdensome. Section 506(a) of the RTKL provides that “[a]n agency may deny a requester access to a record if the requester has

made repeated request for that same record and the repeated requests have placed an unreasonable burden on the agency.” 65 P.S. § 67.506(a). “Under this section ... an agency must demonstrate that (1) ‘the requester has made repeated requests for th[e] same record[(s)]’ and (2) ‘the repeated requests have placed an unreasonable burden on the agency.’” *Pa. Off. of the Governor v. Bari*, 20 A.3d 634, 645 (Pa. Commw. Ct. 2011); *see also Brown v. Pa. Commission on Crime and Delinquency*, OOR Dkt. AP 2018-0451 (“A repeated request alone is not enough to satisfy § 506(a)(1)”) (internal citations omitted). Repeated requests for the same record, although phrased differently, may be denied as disruptive. *See El-Amin v. Pa. Dep’t of Ins.*, OOR Dkt. AP 2023-1610, 2023 PA O.O.R.D. LEXIS __ (“Slight differences in phraseology do not preclude application of [Section 506(a)]”). However, a request is not “repeated” until a party has sought the same records at least three times. *See Mezzacappa v. West Easton Borough*, OOR Dkt. AP 2012-0992, 2012 PA O.O.R.D. LEXIS 967.

In *Bari, supra.*, the Office of the Governor argued that repeated requests created an unreasonable burden because “the [office] had to ‘1) expend duplicative staff and attorney time for responding at length to a request that ... was duplicative; 2) in a time of significant budgetary and staffing constraints; and 3) having to devote attorney and staff time to ... a request that has been asked and answered.’” 20 A.3d at 645. The Commonwealth Court held that this demonstrated only that the request was repeated and did not establish an unreasonable burden. *Id.*; *but see Pedro v. City of Phila. Dep’t. of Behavioral Health and Intellectual Disability Svcs.*, OOR Dkt. AP 2023-0810, 2023 PA O.O.R.D. LEXIS 941 (finding the submission of 22 requests in a single month copying over 150 individuals was disruptive because the requests were repeated and placed an unreasonable burden on the agency).

Here, a review of the prior requests reveals some overlap with the present Request. However, the Authority has presented no evidence that the Request is burdensome.¹ Accordingly, the Authority did not permissibly deny the Request on the basis of Section 506(a) of the RTKL.

For the foregoing reasons, the Requester's appeal is **granted**, and the Authority is required to produce responsive records within thirty days. 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 Berks 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 as per Section 1303 of the RTKL, 65 P.S. § 67.1303, but as the quasi-judicial tribunal that adjudicated this matter, the OOR is not a proper party to any appeal and should not be named as a party.² 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 website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: May 11, 2026

/s/ Blake Eilers
Blake Eilers, Esq.
Senior Appeals Officer

Delivered via OOR E-file Appeal Portal to: Victor Perez; Mahlon J. Boyer, Esq.

¹ In a footnote in the Authority's response, the Authority states that the repeated requests impose an undue burden; however, unsworn statements are not competent evidence. *See Off. of the Governor v. Davis*, 122 A.3d 1185, 1193-94 (Pa. Commw. 2015) (en banc) (holding that an "unsworn position statement does not constitute evidence. Position statements are akin to briefs or proposed findings of fact, which, while part of the record, are distinguishable from the *evidentiary* record.")

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