

On May 8, 2026, the Office submitted an affidavit from Alexandra Craig, Legal Assistant to Jeffrey D. Burkett, District Attorney, stating that the requested records do not exist within the Office's possession, custody or control. The Requester did not make a submission on appeal.

LEGAL ANALYSIS

The Office is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency 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. As an agency subject to the RTKL, the Office is 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 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)).

As a preliminary matter, the OOR must determine whether Open Finances is a proper requester. Recently, in *Open Finances, LLC v. Allegheny County District Attorney's Office*, OOR Dkt. AP 2026-1606, 2026 PA O.O.R.D. LEXIS ___ ("*Open Finances I*"), the OOR concluded that Open Finances was an anonymous requester under the RTKL. Therefore, for the reasons set forth in *Open Finances I*, the instant appeal must be dismissed, as the Office was under no obligation to respond to the Request and no appeal rights were triggered because of the denial.

CONCLUSION

For the foregoing reasons, the appeal is **dismissed**, and the Office is not required to take any further action. 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 Jefferson 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 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.¹ 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: 11 May 2026

/s/ Joshua T. Young

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Open Finances, LLC;
Alexandra Craig, Jefferson County Dist. Attorney's Office

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