

**FINAL DETERMINATION**

DATE ISSUED AND MAILED: May 29, 2026

IN RE: *Debbie Behanna v. Monongahela City Police Department*, OOR Dkt. AP 2026-1824

On April 29, 2026, Debbie Behanna (“Requester”) submitted a request (“Request”) to the Monongahela City Police Department (“Department”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* When the Department failed to respond by May 6, 2026, the Request was deemed denied on that date. 65 P.S. § 67.901. On May 7, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”).

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Department did not comply with the RTKL by timely responding to the Request, nor did the Department participate on appeal by submitting legal argument or evidence in support of withholding records.<sup>1</sup> Accordingly, the Department did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, and the Department is required to provide the requested records to the Requester within thirty days, or, in the alternative, a sworn affidavit or a statement made under the penalty of perjury demonstrating that the records do not exist. Failure to comply with this Final Determination may result in the imposition of court costs, attorney fees, or civil penalties by a reviewing court. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Washington 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. 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>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>.

Issued by:

*/s/ Blake Eilers*

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SENIOR APPEALS OFFICER  
BLAKE EILERS, ESQ.

Sent via OOR E-file Portal to: Debbie Behanna; Chief Kevin Harris

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<sup>1</sup> The Department has logged on to the OOR E-file Portal and viewed the docket.

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