

FINAL DETERMINATION

DATE ISSUED AND MAILED: May 29, 2026

IN RE: *Scott H. Wolpert v. Laboratory Charter School*, OOR Dkt. AP 2026-1415
(Consolidated appeal of OOR Dkt. Nos. AP 2026-1415 through 2026-1424)

On February 27, 2026, Scott H. Wolpert, Esq. and Timoney Knox, LLP (collectively “Requester”) submitted ten requests (“Requests”) to the Laboratory Charter School (“School”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* After invoking a thirty-day extension to respond, 65 P.S. § 67.902(b), the School failed to provide a final response by April 6, 2026, and the Requests were, therefore, deemed denied on that date. 65 P.S. § 67.902(b)(2). On April 8, 2026, the Requester filed ten appeals with the Office of Open Records (“OOR”).¹

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

For this reason, the appeal is **granted**, and the School is required to produce the requested records within thirty days, or, in the alternative, an attestation made under the penalty of perjury or a sworn affidavit 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 Philadelphia 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.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 OOR website at: <http://openrecords.pa.gov>.

Issued by:
/s/ Blake Eilers
SENIOR APPEALS OFFICER
BLAKE EILERS, ESQ.

Sent via OOR Portal to: Scott H. Wolpert, Esq.; Kathleen M. Vermilion, Esq.; Alan Epstein, Esq.

¹ Because they involve the same parties and procedural posture, the OOR consolidated the appeals. 65 P.S. § 1102(b)(3). On April 21, 2026, the OOR learned that the individual to whom the Notice of Appeal was sent no longer works at the School. Because it appears that the School may have not received notice of the appeal or an opportunity to be heard, the OOR invoked an extension of time in order to preserve due process rights.

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