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Requested Records

A. Compulsory Legal Authority Over Citizens

1. Authority to compel citizens to serve on an inquest jury.
2. Authority to administer oaths to witnesses.
3. Authority to imprison citizens for refusal to testify.

B. Mandatory Inquests

1. Unidentified or unclaimed bodies.
2. Contagious disease or public health hazard deaths.
3. Deaths in custody (prison or police).
4. Sudden unexplained deaths.
5. Suspicious deaths or toxic substances.
6. Violent or traumatic deaths (homicide, suicide, accident, mechanical, thermal, chemical, electrical, radiational, drowning, cave-in, subsidence).
7. Sudden unexplained infant deaths, including drug or medical reactions.

C. Control Over Human Remains

1. Removal of organs, including minors.
2. Custody of unidentified or unclaimed bodies.
3. Preservation of unidentified or unclaimed bodies.

D. Deputies and Investigations

1. Appointment of deputies with coroner-equivalent powers.
2. Determination of whether autopsy is required.

E. Property and Estate Control

1. Custody of decedent personal effects.
2. Disposition of unclaimed property, valuables, money, or securities.

Required Certification

If [the County] contends that no replacement County law exists for any item above, please provide written certification stating:

No [County] ordinance, resolution, administrative code provision, or other adopted law exists granting this authority. This request seeks existing records only and does not request legal opinions or explanations.

On April 6, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the County denied the Request, asserting the Request requires the County to conduct legal research to respond to the Request and it is not obligated to do so under the RTKL. To the

extent the Request seeks County Ordinances or the Administrative Code, the County directed the Requester to the County's website where those records are publicly available and accessible.²

On April 8, 2026, the Requester appealed to the Office of Open Records ("OOR"), challenging the denial and stating grounds for disclosure.³ The OOR invited both parties to supplement the record and directed the County to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On April 20, 2026, the County submitted an attestation made under the penalty of unsworn falsification to authorities⁴ from Tyree A. Blair, Sr., Esq. ("Blair Attestation"),⁵ the County's Open Records Officer ("AORO"), reiterating its position that the Request requires the County to conduct legal research in contravention of the RTKL.

On the same date, the Requester submitted correspondence from the County's Solicitor to the Requester indicating that the County coroner is lawfully performing and exercising his duties and a position statement which does not raise an issue of merit.

LEGAL ANALYSIS

The County 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 County 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

² *See* 65 P.S. § 67.704(b)("[A]n agency may respond to a request by notifying the requester that the record is available through publicly accessible electronic means or that the agency will provide access to inspect the record electronically.")

³ The Requester granted the OOR a 30-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).").

⁴ 18 Pa.C.S.A. § 4904.

⁵ Under the RTKL, a sworn affidavit 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. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010).

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)).

In this matter, the County asserts the Request requires legal research to respond to the Request which it is not required to do under the RTKL. The Commonwealth Court has found that “[a] request that explicitly or implicitly obliges legal research is not a request for a specific document; rather it is a request for someone to conduct legal research with the hopes that the legal research will unearth a specific document that fits the description of the request.” *Askew v. Pa. Off. of the Governor*, 65 A.3d 989, 993 (Pa. Commw. Ct. 2013); *see also* 65 P.S. § 67.703. A request for an agency to identify the legal authority to take specific actions or to review files and make judgments would obligate legal research. *Pa. Dep’t of Env’tl. Prot. v. Legere*, 50 A.3d 260, 264 (Pa. Commw. Ct. 2012); *see also Pa. Dep’t of Corr. v. St. Hilaire*, 128 A.3d 859 (Pa. Commw. Ct. 2015); *Rogers v. Lycoming Cnty.*, OOR Dkt. AP 2022-1027, 2022 PA O.O.R.D. LEXIS 1271 (holding that a request seeking authority to tax a property required legal research); *Amberg-Blyskal v. City of Phila. Parks and Recreation Dep’t*, OOR Dkt. AP 2023-2316, 2023 PA O.O.R.D. LEXIS 2469. An agency cannot be required to perform legal research for a requester. *See Gilmore v. Pa. Bd. of Prob. and Parole*, OOR Dkt. AP 2017-0821, 2017 PA 5 O.O.R.D. LEXIS 778.

The OOR’s review of the Request, along with considering the arguments presented by the parties, reveals that the Request requires the County to perform legal research and seeks the specific County “ordinance, resolution, administrative code provision, or other formally adopted County law relied upon” that replaces the Coroner’s Act and authorizes the Coroner to perform the outlined duties. The Request requires the County to conduct legal research to be able to discern what records may be responsive to the Request and require legal judgments and determinations about what which

County ordinances and codes could apply. Further, the County has already provided a weblink to all of the County's laws, ordinances, resolutions, and codes. The Requester is asking the County to perform additional legal research and it is not obligated to do so. *See Perez v. Reading City*, OOR Dkt. AP 2026-1069, 2026 PA O.O.R.D. LEXIS 1224.

CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the County 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 Northampton 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.⁶ 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: June 4, 2026

/s/ Damian J. DeStefano
DAMIAN J. DESTEFANO
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Nelson Lauver; Tyree A. Blair, Sr., Esq., AORO

⁶ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).