Pennsylvania
Office of Open Records

Pennsylvania Office of Open Records
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FINAL DETERMINATION

DATE ISSUED AND MAILED: June 8, 2026

IN RE: *Dustin Ferrillo v. Annville Township*, OOR Dkt. AP 2026-1859

On March 18, 2026, Dustin Ferrillo ("Requester") submitted a request ("Request") to Annville Township ("Township") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*. On April 20, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Township partially denied the Request by providing the requested records but redacting, among other things, the names of RTKL requesters appearing in attorney-billing entries. On May 11, 2026, the Requester filed an appeal with the Office of Open Records ("OOR"), challenging only the redaction of requester names.

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Township did not participate on appeal by submitting legal argument or evidence in support of the redactions.[1] Accordingly, the Township did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.[2]

For this reason, the appeal is **granted**, and the Township is required to provide the requested records without the RTKL requesters' names redacted to the Requester within thirty days. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Lebanon 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.[3] 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.

Issued by:

/s/ *Josh Macel*

JOSH MACEL
APPEALS OFFICER

Sent *via* Appeals Portal to: Dustin Ferrillo; Candie Johnson (AORO)

[1] We understand that the current Request relates to a previous final determination involving invoices. *Ferrillo v. Annville Twp.*, OOR Dkt. AP 2025-3807. However, while the OOR may apply the doctrine of collateral estoppel to issues it previously decided, we decline to do so without the Township's participation and argument on the matter.
[2] The OOR's Appeal Portal data shows that the Township's Agency Open Records Officer viewed the docket files on May 12, May 20, and May 28, 2026.
[3] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).