



the record and directed the County to notify the OOR if any third parties have an interest in this appeal. 65 P.S. § 67.1101(c).

On June 9, 2026, the OOR provided additional time to the County to submit evidence and OOR administrative staff telephoned the County regarding evidentiary submissions;<sup>2</sup> however, to date, no submissions have been made by the County.

Section 708 of the RTKL places the burden of proof on the public body to demonstrate that a record is exempt from disclosure. 65 P.S. § 67.708(a)(1). Here, the County did not comply with the RTKL by timely responding to the Request, nor did the County participate on appeal by submitting legal argument or evidence in support of withholding records. Accordingly, the County did not meet its burden of proof under the RTKL. 65 P.S. § 67.305. Regardless, the RTKL generally makes this information public, *see* 65 P.S. § 67.708(b)(6)(ii), and the Request permits the redaction of certain first names.

Further, the Requester presents a claim concerning the County's failure to respond to the Request and provide responsive records. Under the RTKL, a finding of bad faith is appropriate where an agency refuses to comply with its statutory duties under the RTKL. *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, 243 A.3d 19, 28-29 (Pa. 2020); *California Univ. of Pa. v. Bradshaw*, 210 A.3d 1134 (Pa. Commw. Unpub. 2021), *appeal denied* 2019 PA LEXIS (Pa. 2019); *Office of the Dist. Atty. of Phila. v. Bagwell*, 155 A.3d 1119 (Pa. Commw. Ct. 2017). However, there are not sufficient facts before us to make a finding of bad faith. The Requester is free to seek such a finding from a reviewing court, pursuant to 65 P.S. § 67.1302(a). That reviewing court may conduct further fact-finding, as it deems warranted, on the matter of bad faith.

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<sup>2</sup> *See* 65 P.S. § 67.1102(b)(3) (stating that “the appeals officer shall rule on procedural matters on the basis of justice, fairness, and the expeditious resolution of the dispute”).

For the foregoing reasons, the Requester's appeal is **granted**, and the County is required to provide all responsive records within thirty days. This Final Determination is binding on all parties. Within thirty days of the mailing date of the Final Determination, any party may appeal to the Fayette 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 Section 1303 of the RTKL; 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>3</sup> 65 P.S. § 67.1303. 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>.

**FINAL DETERMINATION ISSUED AND MAILED: June 11, 2026**

*/s/ Bandy L. Jarosz*

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BANDY L. JAROSZ, ESQ.  
APPEALS OFFICER

Sent to: Zachary Spada, #2011-0364 (via First-Class Mail only); Morgan Keteles, AORO (via portal only)

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