



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:
	:
COURTNEY HONTZ,	:
Requester	:
	:
v.	: Docket No.: AP 2026-0676
	:
WILLIAMSPORT CITY,	:
Respondent	:

FACTUAL BACKGROUND

On February 11, 2026, Courtney Hontz (“Requester”) submitted a request (“Request”) to Williamsport City (“City”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

All citation forms completed and/or issued by Code Enforcement Officer Dean Severson that were subsequently filed with any Magisterial District Court from September 1, 2023 to the present date.

This [R]equest specifically includes:

- The original citation documents as completed and signed by the officer (including handwritten citation forms);
- All pages of each citation;
- Any affidavit of probable cause or supporting attachment submitted with the citation;
- Any internal routing, transmittal, or filing documentation reflecting submission of the citation to the court.

On February 18, 2026, the City denied the Request, asserting that “[r]ecords are in the ORC

appeals process.”

On February 19, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure.¹ The OOR invited both parties to supplement the record and directed the City to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On March 2, 2026, the City submitted a position statement, arguing that the Request is insufficiently specific, 65 P.S. § 67.703, and that the records relate to a criminal investigation. 65 P.S. § 67.708(b)(16).

LEGAL ANALYSIS

The City 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 City is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access or do not exist. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been 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)).

1. The Request is sufficiently specific

The City argues that the Request is insufficiently specific as drafted. Section 703 of the RTKL provides, in part, that “[a] written request should identify or describe the records sought

¹ In the appeal, the Requester granted the OOR an additional ninety days to issue this Final Determination. *See* 65 P.S. § 67.1101(b)(1).

with sufficient specificity to enable the agency to ascertain which records are being requested” 65 P.S. § 67.703. When determining whether a particular request is sufficiently specific, the OOR uses the nonexclusive, multifactor test employed by the Commonwealth Court in *Pa. Dep’t of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015). See *Pa. Office of the Governor v. Brelje*, 312 A.3d 928 (Pa. Commw. Ct. 2024). First, “[t]he subject matter of the request must identify the ‘transaction or activity’ of the agency for which the record is sought” and “should provide a context to narrow the search.” *Pittsburgh Post-Gazette*, 119 A.3d at 1125 (quoting 65 P.S. § 67.102; *Montgomery Cnty. v. Iverson*, 50 A.3d 281, 284 (Pa. Commw. Ct. 2012)). Second, “[t]he scope of the request must identify ‘a discrete group of documents, either by type ... or by recipient.’” *Id.* (quoting *Carey v. Pa. Dep’t of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013)). Finally, “[t]he timeframe of the request should identify a finite period of time for which records are sought.” *Id.* at 1126 (citing *Carey*, 61 A.3d at 372). “The timeframe prong is, however, the most fluid of the three prongs, and whether or not the request’s timeframe is narrow enough is generally dependent upon the specificity of the request’s subject matter and scope.” *Id.*

The above factors are intended “to facilitate an analysis in order to determine whether an agency can ascertain which records are being requested.... The subject matter, scope, and timeframe of a request are flexible, analytical elements, not evidentiary requirements.” *Pa. Dep’t of Health v. Shepherd*, No. 377 C.D. 2021, 2022 Pa. Commw. Unpub. LEXIS 207, *6-7 (Pa. Commw. Ct. May 13, 2022), *appeal denied*, No. 334 MAL 2022, 2022 Pa. LEXIS 1862 (Pa. 2022) (citations omitted). Furthermore, we must analyze the entirety of a request, as it is possible that portions of a request are insufficiently specific, while other portions provide sufficient guidance. See *Pa. State Police v. Office of Open Records*, 995 A.2d 515, 517 (Pa. Commw. Ct. 2010) (noting

“the valid part of the request was included in a laundry list of requested materials”).

Here, the Request seeks “citation forms completed and/or issued by Code Enforcement Officer Dean Severson that were subsequently filed with any Magisterial District Court from September 1, 2023 to the present date.” The City contends that “[w]ithout a property location, an owner, or even a particular alleged violation, the City is without any indication from the Requester as to the identity of the records for which she is searching.”

Contrary to the City’s argument, the Request has a clear subject matter, seeking citation forms completed by a named Code Enforcement Officer that were filed in Magisterial Court. The Request also has a defined scope, seeking citation forms. By naming specific record types, no judgment needs to be made as to the relation of any records to the Request. While the timeframe of two and a half years is somewhat lengthy, it does not negate the well-defined subject matter and scope. Given the Request’s defined subject matter and scope, we find that the Request is sufficiently specific.

2. Portions of the Request may relate to a criminal investigation

The City asserts that responsive records are exempt because they relate to criminal investigations. The City is a local law enforcement agency. The OOR does not have jurisdiction to hear appeals related to criminal investigative records held by local law enforcement agencies. *See* 65 P.S. § 67.503(d)(2). Instead, appeals involving records alleged to be criminal investigative records held by a local law enforcement agency are to be heard by an appeals officer designated by the local district attorney. *See id.*

In this instance, the Request seeks records relating to citations filed with the Magisterial Court.. The City argues that “[a]ny responsive citation, on its face, would be a complaint of potential criminal conduct.” *Pa. Game Comm’n v. Fennell*, 149 A.3d 101 (Pa. Commw. Ct.

2016) (holding that the OOR must consider uncontradicted statements in the appeal filing when construing exemptions); *see also Office of the Governor v. Davis*, 122 A.3d 1185, 1192 (Pa. Commw. Ct. 2015) (*en banc*) (holding that an affidavit may be unnecessary when an exemption is clear from the face of the record). Accordingly, the appeal is hereby transferred in part to the Appeals Officer for the Lycoming County District Attorney's Office ("DA's Office"). A copy of this final order and the appeal filed by the Requester will be sent to Appeals Officer for the DA's Office.

Notwithstanding the above, the Request also seeks the "internal routing, transmittal, or filing documentation reflecting submission of the citation to the court." The City claims that "[a]ny such records would certainly reveal the institution, progress, or result of a criminal investigation." 65 P.S. § 67.708(b)(16)(vi)(A). While the actual citations may relate to a criminal investigation, it is unclear how responsive records that merely transmit the citation to the court would also relate to a criminal investigation. Further, exemptions from disclosure must be narrowly construed. *Pa. State Police v. Grove*, 161 A.3d 877, 992 (Pa. 2017) ("Consistent with the RTKL's goal of promoting government transparency and its remedial nature, the exceptions to disclosure of public records must be narrowly construed.") (citing *Davis*, 122 A.3d at 1191). As such, records regarding the "internal routing, transmittal, or filing documentation reflecting submission of the citation to the court" are subject to public access.

CONCLUSION

For the foregoing reasons, the appeal is **granted in part** and **transferred in part**, and the City is required to provide all responsive records regarding "[a]ny internal routing, transmittal, or filing documentation reflecting submission of the citation to the court" within thirty days. 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 Lycoming 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.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>.

FINAL DETERMINATION ISSUED AND MAILED: June 22, 2026

/s/ Magdalene C. Zeppos-Brown
MAGDALENE C. ZEPPOS-BROWN, ESQ.
DEPUTY CHIEF COUNSEL

Sent via the OOR Portal to: Courtney Hontz;
N. Randall Sees, Esq.; and
Janice Frank, AORO

Sent via email to: Lycoming County District Attorney's Office

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