



DATE ISSUED AND MAILED: **June 24, 2026**

IN RE: *Debbie Behanna v. Monongahela City Police Department*, OOR Dkt. AP 2026-2125

On April 21, 2026, Debbie Behanna (“Requester”) submitted a request (“Request”) to the Monongahela City Police Department (“Department”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking towing related records from November 1, 2024 to the date of the Request. *See* Request. On April 24, 2026, the Department invoked a thirty-day extension to respond; however, as the Department did not respond within the extension period, the Request was deemed denied on May 28, 2026. *See* 65 P.S. § 67.902(b)(2) On May 29, 2026, Requester filed an appeal with the Office of Open Records (“OOR”).

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

For this reason, the appeal is **granted**, and the Department is required to provide the requested records to the Requester within thirty days, or, in the alternative, a sworn affidavit or a statement made under the penalty of perjury demonstrating that the records do not exist. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Washington 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 website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Lyle Hartranft

LYLE HARTRANFT, ESQ.
APPEALS OFFICER

Sent via OOR Portal to: Debbie Behanna; Chief Kevin Harris, AORO

¹ The OOR’s Appeal Portal data shows that the Department viewed the docket files on June 1, 5, 10, and 18, 2026.

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