



**FINAL DETERMINATION**

DATE ISSUED AND MAILED: June 25, 2026

IN RE: *Artis Carroll v. Lancaster City*, OOR Dkt. AP 2026-2135

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as Lancaster City’s (“City”) submission,<sup>1</sup> it is determined that the appeal is **DISMISSED** because:

**The appeal is premature.** The Requester claims that the Request was filed on May 27, 2026, and denied on the same date. However, the City did not deny the Request on May 27, 2026, but provided notice to the Requester that the Request would be uploaded to its online portal and did not deny the Request at that time. *See Handwerger Attestation*, ¶¶ 2-3. The City had until June 3, 2026, to respond to the Request. The Requester filed the instant appeal on May 29, 2026. Because an appeal may only be filed from the denial or deemed denial of a request, and the City did not have an opportunity to respond to the Request prior to receiving the appeal, the appeal must be dismissed as premature. 65 P.S. § 67.901. The Requester is not prohibited from filing the Request with the City and, if necessary, filing an appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a)(1).<sup>2</sup>

For this reason, the City is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Lancaster 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.<sup>3</sup> 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 website at: <http://openrecords.pa.gov>.

Issued by:

*/s/ Damian J. DeStefano*

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DAMIAN J. DESTEFANO  
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Artis Carroll; Barry N. Handwerger, Esq., AORO

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<sup>1</sup> On June 10, 2026, the City submitted an attestation made under the penalty of unsworn falsification to authorities from Barry N. Handwerger, Esq. (“Handwerger Attestation”). Under the RTKL, a sworn affidavit or statement made under the penalty of perjury 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). In the absence of any evidence that the City has acted in bad faith or that the requested records exist, “the averments in [the Attestation] should be accepted as true.” *McGowan v. Pa. Dep’t of Envtl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

<sup>2</sup> The OOR notes that this Requester has made numerous requests for the “Lancaster Bureau of Police Citizen Crime Report,” the record at issue in this appeal, and has been provided to the Requester on previous occasions and is also a document that is part of the record.

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