



FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
EDWARD GRAZIANO,	:	
Requester	:	
	:	
v.	:	Docket No: AP 2026-2234
	:	
PENNSYLVANIA DEPARTMENT OF	:	
CORRECTIONS,	:	
Respondent	:	

FACTUAL BACKGROUND

On April 15, 2026,¹ Edward Graziano (“Requester”), an inmate at SCI-Benner Township, submitted a request (“Request”) to the Pennsylvania Department of Corrections (“Department”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking a certified copy of the “...specific timeframe an individual named Ernest Mongelluzzo, an employee of the [Department], worked in...SCI-Rockview and SCI-Smithfield[.]”

On May 5, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Department granted the Request and provided the employment information for the individual named in the Request.

¹ While the Request is dated April 4, 2026, the Request was received by the Department on April 15, 2026. *See* Grant Attestation ¶ 4.

On May 27, 2026,² the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the response of the Department, as the record received by the Requester was not certified. The OOR invited both parties to supplement the record and directed the Department to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On June 23, 2026,³ the Department submitted an attestation made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities, authored by Kimberly Grant (“Grant Attestation”), the Department’s Deputy Agency Open Records Officer (“AORO”). Per the Grant Attestation, a certified copy of the responsive record was sent to the Requester, via first class mail, on June 15, 2026. *See* Grant Attestation ¶ 8.⁴

LEGAL ANALYSIS

The Department is a Commonwealth agency subject to the RTKL. 65 P.S. § 67.301. Records in the possession of a Commonwealth 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 Department is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as “such proof as leads the factfinder ... to find that the existence of a contested fact is more probable than its nonexistence.” *Pa.*

² Although the appeal was received by the OOR on June 8, 2026, the Requester’s appeal was placed in the Pennsylvania Department of Correction’s mail system on May 27, 2026, and, pursuant to the “prisoner mailbox rule,” is considered timely filed. *See Commonwealth v. Jones*, 700 A.2d 423, 426 (Pa. 1997).

³ The evidentiary submission record originally closed in this appeal on June 18, 2026; however, an evidentiary submission extension was provided to both parties during the course of the appeal. *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”).

⁴ Under the RTKL, a sworn affidavit or statement 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 Department has acted in bad faith, “the averments in [the attestation] should be accepted as true.” *McGowan v. Pa. Dep’t of Env’tl. 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)).

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)).

Based on the evidence provided, the Department provided a certified copy of the responsive information to the Requester during the pendency of the appeal. The certified copy of the responsive information was the sole issue at the time of the appeal. Therefore, because the Department has provided the certified copy to the Requester during the appeal, the appeal is moot. *See Chester Water Auth. v. Pa. Dep't of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records, and thus, “the controversy has been mooted”).

CONCLUSION

For the foregoing reasons, the appeal is **dismissed as moot**, and the Department is not required to take any further action. 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 Commonwealth Court. 65 P.S. § 67.1301(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.⁵ 65 P.S. § 67.1303. 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>.

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

FINAL DETERMINATION ISSUED AND MAILED: June 24, 2026

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ.
APPEALS OFFICER

Sent to: Edward Graziano, BU7686 (via First-Class Mail only); Ralph Salvia, Esq. (via portal only); Andrew Filkosky (via portal only)