



FINAL DETERMINATION

IN THE MATTER OF

**PAUL WEIMER,
Requester**

v.

**ALLEGHENY COUNTY DISTRICT
ATTORNEY'S OFFICE,
Respondent**

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Docket No: AP 2026-2413

On March 26, 2026, Paul Weimer (“Requester”), an inmate at SCI-Forest, submitted a request (“Request”) to the Allegheny County District Attorney’s Office (“Office”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking “copies of the sentencing order(s) issued in both cases at CP-02-CR-0004022-1998 & CP-02-0006433-1998, and copies of the filed sentencing transcript(s) detailing Judge Novak’s No-Contact Order...” On May 29, 2026, the Office denied the Request, stating that any responsive transcripts would be judicial records and that the responsive sentencing orders do not exist within the Office’s possession, custody or control.

On June 12, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure.¹ The OOR invited both parties to

¹ The appeal was postmarked on June 12, 2026, and received by the OOR on June 18, 2026. Additionally, this appeal was reassigned to the undersigned Appeals Officer for disposition on July 8, 2026.

supplement the record and directed the Office to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

In response to a request for records, “an agency shall make a good faith effort to determine if ... the agency has possession, custody or control of the identified record[.]” 65 P.S. § 67.901. While the RTKL does not define the term “good faith effort,” in *Uniontown Newspapers, Inc. v. Pa. Dep’t of Corr.*, the Commonwealth Court stated:

As part of a good faith search, the open records officer has a duty to advise all custodians of potentially responsive records about the request, and to obtain all potentially responsive records from those in possession... When records are not in an agency’s physical possession, an open records officer has a duty to contact agents within its control, including third-party contractors ... After obtaining all potentially responsive records, an agency has the duty to review the records and assess their public nature under ... the RTKL.

185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (citations omitted), *aff’d*, 243 A.3d 19 (Pa. 2020). An agency must show, through detailed evidence submitted in good faith from individuals with knowledge of the agency’s records, that it has conducted a search reasonably calculated to uncover all relevant documents. *See Burr v. Pa. Dep’t of Health*, OOR Dkt. AP 2021-0747, 2021 PA O.O.R.D. LEXIS 750; *see also Mollick v. Twp. of Worcester*, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011).

On June 22, 2026, the Office submitted a position statement and the affidavit, made subject to the penalties set forth in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), from Laura Hartquist, Esq. (“Hartquist Affidavit”), the Office’s Open Records Officer, who attests that a search was conducted of the Office’s physical files, internal computer system, and two external databases used by the Pennsylvania Courts and that no responsive sentencing orders exist in the Office’s possession, custody or control.² Hartquist Affidavit, ¶¶ 8-11. Therefore, based on

² 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*

the evidence provided, the Office has met its burden of proof that it does not possess responsive sentencing orders. *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

Notwithstanding the foregoing, sentencing orders are judicial records to which the OOR may not grant release. *See Phila. Dist. Attorney's Office v. Stover*, 176 A.3d 1024 (Pa. Commw. Ct. 2017) (finding that a sentencing order was a judicial record not subject to disclosure under the RTKL even when in the possession of a district attorney's office). Similarly, the OOR has found sentencing transcripts to constitute judicial records. *See Piner v. Blair County*, OOR Dkt. AP 2021-1307, 2021 PA O.O.R.D. LEXIS 1334. Therefore, regardless of whether the Office possesses responsive sentencing transcripts and orders, they are judicial records and the OOR is precluded from ordering their disclosure.

For the foregoing reasons, the appeal is **denied**, and the denied 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 or petition for review to the Allegheny 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.³ 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>.

Records, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any evidence that the Office has acted in bad faith or that the requested records exist, "the averments in [the Hartquist Affidavit] 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)).

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

FINAL DETERMINATION ISSUED AND MAILED: 8 July 2026

/s/ Joshua T. Young

JOSHUA T. YOUNG
SENIOR DEPUTY CHIEF COUNSEL

Sent to: Paul Weimer, KL-7053(via U.S. Mail)
Laura Hartquist, Esq., AORO (via OOR e-file portal)