



FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
KEBECHET EL AND KMEL, MGT.,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2026-3398
	:	
MONROE COUNTY DISTRICT	:	
ATTORNEY'S OFFICE,	:	
Respondent	:	

On July 31, 2026, Kebechet El and KMEL, MGT. (collectively, the “Requester”) submitted a request (“Request”) to Monroe County District Attorney’s Office (“Office”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking discovery records associated with a specific criminal docket number, including an intake report and warrants, among other items. Having received no response from the Office, the Requester filed an appeal with the Office of Open Records (“OOR”) on August 17, 2026, alleging that the Request was deemed denied.¹ *See* 65 P.S. § 67.901.

¹ On August 21, 2026, a Detective with the Office’s Criminal Investigation Division submitted correspondence stating that the Request may have been misfiled. A review of the appeal documents demonstrates that the Request was emailed to the individual identified as the Office’s Open Records Officer on its website, as well as the presence of a read receipt associated with email transmitting the Request. *See [Right to Know / Open Records – Monroe County Office of the District Attorney – Stroudsburg, Pennsylvania](#)* (last accessed August 31, 2026). Additionally, a copy of the Request was available to the Office and its representatives in the OOR’s Notice of Appeal documents on the e-file portal system.

The Office is a local law enforcement agency, and the Request, on its face, seeks discovery records regarding a criminal matter in the possession of the Office. *See 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); *see also Office of the Governor v. Davis*, 122 A.3d 1185, 1194 (Pa. Commw. Ct. 2015) (*en banc*) (finding that an affidavit may be unnecessary when an exemption is clear from the face of the record). 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.* Accordingly, the appeal is hereby transferred to the Appeals Officer for the Monroe County District Attorney's Office ("District Attorney's Office") to determine whether the requested records, insofar as they exist, relate to a criminal investigation.² A copy of this final order and the appeal filed by the Requester will be sent to the Appeals Officer for the District Attorney's Office.

For the foregoing reasons, the Requester's appeal is **transferred** to the Appeals Officer for the District Attorney's Office. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Monroe 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 as per Section 1303 of the RTKL. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is

² The Commonwealth Court has noted that the OOR has the authority to transfer an appeal to "where [a requester] should have initially appealed." *See Phila. Dist. Attorney's Office v. Williams*, 204 A.3d 1062, *4 n.5 (Pa. Commw. Ct. 2019) ("... [A]lthough the onus for appealing from an RTKL denial to the proper appeals officer is on the requester, the OOR did not violate the law or any procedure in redirecting the appeal in this case").

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>.

FINAL DETERMINATION ISSUED AND MAILED: August 31, 2026

/s/ Joshua T. Young

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent to: Requester (via OOR e-file portal);
Anthony Cirranello, AORO (via OOR e-file portal);
Appeals Officer for the Monroe County District Attorney's Office (via e-mail)

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