



FINAL DETERMINATION

DATE ISSUED AND MAILED: August 31, 2026

IN RE: *Kim Hershey v. Pa. State Police*, OOR Dkt. AP 2026-3404

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, as well as the parties’ submissions, the appeal is **DENIED** because:

The records are exempt from disclosure. The Request submitted to the Pennsylvania State Police (“PSP”) seeks “the police report numbered PA 2025-508381” regarding an incident involving a firetruck and the Requester’s vehicle.” Section 708(b)(17) of the Right-to-Know Law exempts from disclosure “a record of an agency relating to a noncriminal investigation, including ... [i]nvestigative materials, notes, correspondence and reports...” 65 P.S. § 67.708(b)(17)(ii) (emphasis added). On August 28, 2026, the PSP submitted a position statement and a verification, made subject to the penalty of perjury, from William Rozier (“Rozier Verification”), the PSP’s Open Records Officer, who identified and reviewed the responsive report and attests that the report relates to an investigation conducted by Trooper Conville concerning a private property crash where the Trooper determined no crime was committed. Rozier Verification, ¶¶ 7-10. Based upon this evidence, as well as the undisputed statements regarding the nature of the police report within the appeal record, the PSP has met its burden of proving that the report is exempt from disclosure. 65 P.S. § 67.708(a)(1); *Pa. Game Comm’n v. Fennell*, 148 A.3d 101 (Pa. Commw. Ct. 2016) (holding that the OOR must consider uncontradicted statements contained in the appeal as evidence).

For this reason, the PSP 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 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 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.¹ 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/ Joshua T. Young

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Kim Hershey; Colin L. Hitt, Esq.; William A. Rozier, AORO

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).