



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 1, 2026

IN RE: *Brian Felsen v. Pennsylvania Parole Board*, OOR Dkt. AP 2026-3131

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 or do not exist in the agency’s possession, custody, or control. The relevant portion of the Request at issue in this appeal seek records which reflect parole board decisions and actions, case history, and other records relating to the granting, supervision, or revocation of parole for a specified individual.

On August 12, 2026, the Pennsylvania Parole Board (“Board”) submitted the attestation of Janaki Theivakumaran, the Open Records Officer (“AORO”) for the Board, who states that the Board provided the Requester with records which constitute “a brief statement of the reasons for action by the Board granting or refusing a parole”¹ and that the remaining records responsive to the Request in the Board’s possession consist of records, reports and other written things and information, evaluations, opinions and voice recordings in the Board’s custody or possession touching on matters concerning a parolee that are expressly confidential under the Board’s regulations.² See Theivakumaran Attestation ¶¶ 9-15. The Board submitted further evidence relating to the search conducted by the AORO for the Board and stating that additional records sought in the Request which do not exist in the Board’s possession, custody, or control may be records of the Pennsylvania Department of Corrections (“Department”) pursuant to a Memorandum of Understanding between the Board and the Department that consolidated organizational oversight of field parole services under the Department. *Id.* at ¶¶ 16-21. Based upon this evidence, the Board demonstrated that the records are exempt from disclosure or do not exist in the Board’s possession, custody or control. Therefore, the Board has met its burden of proof in this appeal. 65 P.S. § 67.708(a)(1).

For this reason, the appeal is **denied** and the Board 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.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>.

Issued by:

/s/ Catherine R. Hecker

CATHERINE R. HECKER
APPEALS OFFICER

Sent to: Brian Felsen; Janaki Theivakumaran

¹ See 37 Pa. Code § 61.2 (brief statement of reasons for Board action to grant or refuse parole is open to public inspection).

² *Id.* The language of 37 Pa. Code § 61.2 is broad enough to exempt from disclosure “all of the contents of a parole file.” See *Jones v. Office of Open Records*, 993 A.2d 339, 342 (Pa. Commw. Ct. 2010); see also *Davis v. Pa. Bd. of Probation and Parole*, No. 944 C.D. 2015, 2016 Pa. Commw. Unpub. LEXIS 402 (Pa. Commw. Ct. 2016).

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