

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 2, 2026

IN RE: *Erin Soberick v. Lansford Borough*, OOR Dkt. AP 2026-2887

On June 22, 2026, Erin Soberick (“Requester”) submitted a request (“Request”) to Lansford Borough (“Borough”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* seeking certain specified settlement agreements. Following a 30-day extension, 65 P.S. § 67.901, the Borough provided a redacted agreement on or about July 14, 2026.¹ On July 16, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the redactions.

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Borough did not participate on appeal by submitting legal argument or evidence in support of withholding records.² Accordingly, the Borough did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, the Borough is required to provide the requested records to the Requester within thirty days. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Carbon 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>.

Issued by:

/s/ *Jordan Davis*

JORDAN C. DAVIS, ESQ.
DEPUTY CHIEF COUNSEL

Sent via OOR portal to: Erin Soberick; Maria Ahner (AORO)

¹ During the appeal, the Borough identified to the Requester four separate exemptions which apply to the redactions but did not submit any evidence. However, because 65 P.S. § 67.708(b)(6)(i)(A) is facially applicable, the Borough may continue to redact any information expressly covered by that exemption.

² The Borough accessed the OOR’s electronic docket and reviewed the files in this case but did not make any submission.

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