



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 3, 2026

IN RE: *Kebechet El and KMEL, Mgt. v. Pa. Dep't of State*, OOR Dkt. AP 2026-3417

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:

On August 31, 2026, the Pennsylvania Department of State (“Department”) submitted a position statement and a declaration, made under the penalty of perjury, from Janelle Hawthorne, the Department’s Open Records Officer, who attests that a search was conducted and, other than the oaths of office provided to the Requester in response to the Request and on appeal, no other responsive records exist in the Department’s possession, custody or control.¹ Hawthorne Declaration, ¶¶ 3-10. Therefore, based upon this evidence, the Department has demonstrated that it conducted a good faith search for responsive records as required by 65 P.S. § 67.901 and did not locate any additional records. Accordingly, the Department has met its burden of proof that it does not possess any additional responsive records.² *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For these reasons, the appeal is **denied in part** and **dismissed as moot in part**, and the Department 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/ Joshua T. Young

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Kebechet El; Jason McMurry, Esq.; Janelle Hawthorne, AORO

¹ In response to the Request, the Department provided the Requester with the oath of office for Chief Justice Todd and, on appeal, the Department provided the Requester with the oaths of office for the remaining Pennsylvania Supreme Court Justices, except for Justice Sallie Updyke-Mundy, whose oath of office was not located. Additionally, the Hawthorne Declaration explains that Pennsylvania Supreme Court Justices are not required to file their oaths of office with the Department. Hawthorne Declaration, ¶ 4.

² Insofar as the Requester seeks records other than the oaths of office which identify “the statute, rule or administrative authority” under which the oaths were issued, the Department correctly argues that the Request, as written, would be insufficiently specific or require legal research under 65 P.S. § 67.703.

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