



Docket No: AP 2026-2696

This request includes, but is not limited to:

1. All applications, proposals, pitch materials, and submissions made in connection with BFTDA funding.
2. All certifications, representations, warranties, or disclosures made by or on behalf of White Rose Ventures, 1855 Capital, or Keystone Innovation Fund II.
3. All internal reviews, diligence materials, scoring documents, and approval recommendations.
4. All agreements, term sheets, funding documents, and conditions associated with the BFTDA investment.
5. All due diligence, evaluations, or assessments of governance, compliance, or risk relating to the fund or its managers.
6. All records referencing portfolio companies of White Rose Ventures or Keystone Innovation Fund II, including specifically Return Logic, Inc., whether in application materials, diligence, reporting, or internal communications.
7. All reporting, updates, or disclosures submitted to BFTDA or [the Department], including any references to portfolio performance, financial condition, risk, compliance issues, or distress indicators relating to portfolio companies.
8. All communications, including emails and attachments, between BFTDA/[the Department] and White Rose Ventures, 1855 Capital, or Keystone Innovation Fund II. This request includes, but is not limited to, emails and attachments of relevant custodians within [the Department] and BFTDA involved in evaluation, approval, or oversight of the referenced entities and funding.
9. All internal communications within BFTDA/[the Department] referencing the fund, its managers, or compliance and risk issues.
10. All internal risk assessments, evaluations, or status reports relating to the fund or its compliance.
11. All records reflecting any exception, waiver, or deviation from program requirements.
12. All records reflecting any review, audit, investigation, or enforcement consideration relating to the fund or its managers.

This request includes records containing the terms: “White Rose,” “Keystone Innovation Fund,” “1855 Capital,” “BFTDA,” “ReturnLogic,” “portfolio,”

“compliance,” “reporting,” “risk,” and “default,” including records identifiable through reasonable keyword searches of agency email systems and document repositories. This request includes records submitted by third parties to [the Department] or BFTDA to the extent such records are in the possession of the agency.

On June 24, 2026, following a twelve-week extension during which to respond, 65 P.S. § 67.902(b),¹ the Department denied the Request, arguing that the entire Request was insufficiently specific, but in the alternative, responsive records do not exist with the Department’s possession, custody or control, or would be exempt under the RTKL. 65 P.S. §§67.703; 67.705; 67.708(b)(10); 67.708(b)(11). However, the Department provided records it believed were responsive.

On July 6, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial.² The OOR invited both parties to supplement the record and directed the Department to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On July 8, 2026, the Department requested a submission extension until August 17, 2026. On July 9, 2026, the request for OOR denied an extension to August 17, 2026 was denied, as the Final Determination deadline was August 7, 2026; however the OOR agreed to extend the record closing date for all parties until July 24, 2026 .

On July 16, 2026, the OOR received a Request to Participate from Pennsylvania State University (“University”), indicating that if the Request was deemed sufficiently specific, responsive records may include confidential and proprietary materials of the University. On July

¹ The Requester agreed in an April 2, 2026 email correspondence to the extend the response timeframe. *See* 65 P.S. § 67.902(b)(2).

² The Requester granted the OOR a 30-day extension to issue a final determination. *See* 65 P.S. § 67.1101(b)(1) (“Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).”).

29, 2026, the OOR granted the University Direct Interest Participant status. *See* 65 P.S. § 67.1101(c).

On July 16, 2026, the OOR requested the Department to identify any additional third parties that were contacted and the date they were contacted. The OOR also requested the Department to identify which records were provided to the Requester with its original response, and the Request to which they were responsive.

On July 24, 2026, the Department submitted a position statement reiterating its grounds for denial. While the Department asserts that the Request is insufficiently specific in its entirety, it also identified responsive records consisting of “Confidential Project Summaries,” “Confidential Private Placement Memorandum,” and “Confidential White Rose Materials” that it asserts are exempt as confidential proprietary material. 65 P.S. §§ 67.708(b)(11). In support of its position, the Department submitted the attestation made under the penalty of perjury³ authored by Shawn Kerns (“Kerns Attestation”), the Department’s Interim Agency Open Records Officer (“AORO”). The Department also submitted an additional attestation made under the penalty of perjury authored by AORO Kerns (“Kerns Clarification Attestation”), which identified the responsive records already provided in response to the Request and the Items the records are responsive to, as well as the list of third-party entities contacted notified as to their possible interest in this appeal. The Department contacted the University, Keystone Innovation Fund LP, II, White Rose Impact Fund and 1855 Capital on July 16, 2026. To date, only the University requested participation in this appeal.

On July 27, 2026, the Requester submitted a response to the Department’s position statement, claiming that the Department failed to make an adequate search for responsive records

³ 18 Pa. C.S. § 4904.

and seeks “segregated” records that are withheld in their entirety by the Department as confidential proprietary information. 65 P.S. §§ 67.708(b)(11).

Based on a lack of objection by the parties, on July 30, 2026, the OOR set a briefing schedule for all parties to address the identified responsive records that were withheld by the Department.

On August 10, 2026, the University submitted a position statement stating that it reviewed the withheld records and is not seeking redactions indicating that the records do not implicate the interests of the University .

On August 17, 2026, the Requester submitted a position statement, claiming that the Department failed to meet its burden and that the cited exemptions do not apply, and in the alternative, the exempt information should be redacted from the records and not withheld in their entirety.

On August 24, 2026, the Department submitted a supplemental attestation made under the penalty of perjury⁴ authored by Candace Gaul, the Department’s Agency Open Records Officer (“AORO”).

LEGAL ANALYSIS

The Department is a Commonwealth agency subject to the RTKL. 65 P.S. § 67.301. Records in the possession of a Commonwealth agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the Department is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as “such proof as leads the fact-

⁴ *Id.*

finder ... to find that the existence of a contested fact is more probable than its nonexistence.” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep’t of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)). Here, the Requester seeks an *in-camera* review; however, the OOR has the necessary information and evidence before it to properly adjudicate the matter. Therefore, the request for *in-camera* review is hereby denied.

1. Item 11 of the Request requires the Department to conduct legal research

On appeal, the Department argues that the entire Request should be denied because it would require legal research to fulfill, and therefore, is insufficiently specific. 65 P.S. § 67.703. The Commonwealth Court has found that “[a] request that explicitly or implicitly obliges legal research is not a request for a specific document; rather it is a request for someone to conduct legal research with the hopes that the legal research will unearth a specific document that fits the description of the request.” *Askew v. Pa. Off. of the Governor*, 65 A.3d 989, 993 (Pa. Commw. Ct. 2013); *see also* 65 P.S. § 67.703. A request for an agency to identify the legal authority to take specific actions or to review files and make judgments would obligate legal research. *Pa. Dep’t of Env’tl. Prot. v. Legere*, 50 A.3d 260, 264 (Pa. Commw. Ct. 2012); *see also Pa. Dep’t of Corr. v. St. Hilaire*, 128 A.3d 859 (Pa. Commw. Ct. 2015); *Colella v. Monroe Cnty.*, OOR Dkt. AP 2021-1271, 2021 PA O.O.R.D. LEXIS 1274; *Faggiolo v. Aston Twp.*, OOR Dkt. AP 2022-0934, 2022 PA O.O.R.D. LEXIS 1479; An agency cannot be required to perform legal research for a requester. *See Gilmore v. Pa. Bd. of Prob. and Parole*, OOR Dkt. AP 2017-0821, 2017 PA O.O.R.D. LEXIS 778; *Lerner v. City of Phila. Dep’t of Revenue*, OOR Dkt. AP 2016-1470, 2016 PA O.O.R.D. LEXIS 1306.

The OOR's review of the instant Request reveals that Item 11 of the Request requires the Department to perform legal research regarding whether there are any records that reflect "exception, waiver, or deviation from program requirements." To make this kind of determination, the Department would be required to conduct legal research and make judgment calls as to whether the records contain information regarding the legal determination of non-compliance with program requirements and, therefore, responsive to Item 11 of the Request. *See Legere*, 50 A.3d at 264; *Askew*, 65 A.3d at 993.

2. The Request is sufficiently specific in part

The Department claims the entire Request is insufficiently specific due to a broad subject matter and scope. 65 P.S. § 67.703. Section 703 of the RTKL states that "[a] written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested." 65 P.S. § 67.703. When determining whether a particular request is insufficiently specific, the OOR uses the multifactor test employed by the Commonwealth Court in *Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015).

First, "[t]he subject matter of the request must identify the 'transaction or activity' of the agency for which the record is sought." *Id.* at 1125 (quoting 65 P.S. § 67.102). Second, "[t]he scope of the request must identify 'a discrete group of documents, either by type...or by recipient.'" *Id.* (quoting *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013)). Finally, "[t]he timeframe of the request should identify a finite period of time for which records are sought." *Id.* at 1126 (citing *Carey*, *supra*). "The timeframe prong is, however, the most fluid of the three prongs, and whether or not the request's timeframe is narrow enough is generally dependent upon the specificity of the request's subject matter and scope." *Id.*

The above factors are intended “to facilitate an analysis in order to determine whether an agency can ascertain which records are being requested...[t]he subject matter, scope, and timeframe of a request are flexible, analytical elements, not evidentiary requirements.” *Pa. Dep’t of Health v. Shepherd*, No. 377 C.D. 2021, 2022 Pa. Commw. Unpub. LEXIS 207 *6-7 (Pa. Commw. Ct. 2022), *appeal denied*, No. 334 MAL 2022, 2022 Pa. LEXIS 1862 (Pa. 2022). Finally, we must analyze the entirety of a request, as it is possible that portions of a request are insufficiently specific, while other portions provide sufficient guidance. *See Pa. State Police v. Office of Open Records*, 995 A.2d 515, 517 (Pa. Commw. Ct. 2010) (noting “the valid part of the request was included in a laundry list of requested materials”).

“A request for a broad category of documents, such as all records, may be sufficiently specific if confined to a particular recipient or recipients.” *Pa. Dep’t of Educ.* 119 A.3d at 1125; *see also Carey*, 61 A.3d at 372 (concluding request for “all records that were provided to the transferred inmates” was sufficiently specific because it sought “a discrete group of documents” limited by recipient); *but see Iverson*, 50 A.3d at 284 (concluding request which “does not identify specific individuals, email addresses, or even departments, but requests any applicable emails sent from the County’s domain to four other domains” was insufficiently specific). However, such a request item may only be sufficiently specific in part. In *Pa. State Police v. Office of Open Records*, the Commonwealth Court held that the portion of a request seeking “any and all records, files or communications” related to vehicle stops, searches and seizures was insufficiently specific under Section 703 of the RTKL, and that only the portion of the request seeking a particular type of document—manuals related to vehicle stops, searches, and seizures—was sufficiently specific. 995 A.2d 515, 517 (Pa. Commw. Ct. 2010). Accordingly, *Pa. State Police* establishes that a determination may be made that a request is sufficiently specific, but only in part. To determine

whether the individual Request Items are sufficiently specific in part, in whole, or are insufficiently specific, we must review the language of each individual Item.

Furthermore, keyword search terms can, in some instances, provide a limiting subject matter. In *Greim v. Pa. State Police*, the Commonwealth Court considered a request that sought all emails over a period of six months containing 14 keyword search terms, which were further contextualized by the relatively narrow subject matter set forth in the other subparts of the request. 329 A.3d 873 (Pa. Commw. Ct. 2025). Moreover, the request at issue in *Greim* did not limit the senders and recipients of the email accounts but instead included emails of all employees and officers. The Court in *Greim* found the request to be sufficiently specific after considering all of the factors set forth in *Pittsburgh Post-Gazette*; specifically, the request was limited to “all emails” over a six-month period, limited by keyword search terms that were further limited by the subject matter of the entire request. In analyzing the request, the Court quoted *Commonwealth v. Engelkemier* to caution that “[k]eyword search terms can be used to provide the subject matter, and they will not suffice only when they are ‘too general or too broad.’” See *Greim* at 881, quoting *Engelkemier*, 148 A.3d 522, 531 (Pa. Commw. 2016).

The Department does not address each Item of the Request individually but merely states that the language of the Request seeking records that “relate to” certain subject matter is too broad and that requests for emails fail to identify specific emails, individuals, or departments within the Department. Despite the Department concluding the Request is insufficiently specific, it still provided 30 records consisting of emails and reports. The Department also identified additional responsive records that the Department claims are exempt. In certain situations, the ability to identify responsive records may indicate that a request is sufficiently specific. See *Easton Area Sch. Dist. v. Baxter*, 35 A.3d 1259, 1265 (Pa. Commw. Ct. 2012) (noting that “the request was

obviously sufficiently specific because the School District has already identified potential records included within the request”), *appeal denied*, 54 A.3d 350 (Pa. 2012); *Pa. Dep’t of Health v. Shepherd*, 2022 Pa. Commw. Unpub. LEXIS 207, *7 (Pa. Commw. Ct. May 13, 2022) (“an agency's demonstrated ability to identify responsive records is a strong indication that a request was sufficiently specific.”) (internal citation omitted).

Turning to the analysis of the individual Request Items, we conclude that Items 6-9 are insufficiently specific and Items 1-5 and 10 and 12 are sufficiently specific.

Items 1-5, 10 and 12 are narrowed to a time frame of approximately three years, from January 1, 2023 through March 20, 2026. They contain a defined subject matter regarding companies seeking funding through BFTDA and the Department, and specific types of records such as applications, proposals, certifications, warranties, internal reviews, scoring documents, term sheets, funding documents, evaluations, and audits relating to White Rose Ventures, 1855 Capital, Keystone Innovations Fund II, LP, the fund and its managers. Furthermore, the Department was able to reasonably interpret Items 1-3 and 12 of the Request since it was able to produce numerous responsive records.

Items 6 through 9 seek “all records” or “all communications,” without providing a further defined scope, in that it does not identify categories of “communications” or “records.” Furthermore, the subject matter for these Items, while all in reference to BFTDA, White Rose Ventures, 1855 Capital, and Keystone Innovation Fund II, LP, include language like “reflecting” and “relating to.” These Items do not identify a specific transaction or activity of the agency and would require the Department to make judgment calls about whether a record is responsive. *Legere*, 50 A.3d at 264 (finding that a request that would require an agency to review all potentially responsive files and make judgments as to the relation of the documents to the specific request

would be insufficiently specific); *see also Mancini v. Delaware Cnty*, OOR Dkt. AP 2023-0137, 2023 PA O.O.R.D. LEXIS 325 (holding the Request was insufficiently specific where the phrase “related communications” required the agency to make judgment calls as to the scope of records sought by the Requester); *Dixon v. Allegheny Cnty*, OOR Dkt. AP 2023-0612, 2023 PA O.O.R.D. LEXIS 1082 (holding that a Request seeking “records and documents” was insufficiently specific because the agency was required to make a judgment call as to the scope of records sought). Furthermore, the keyword search terms do not assist with narrowing the subject matter or scope, including general terms like “reporting,” “risk,” and “default.”

Furthermore, Items 6, 8 and 9 not only contain the broad language as described above but seek communications without providing any specific senders or recipients. *Pa. Dep’t of Educ.*, 199 A.3d at 1124-126 (“A request for a broad category of documents, such as all records, may be sufficiently specific if confined to a particular recipient or recipients”); *see also Carey*, 61 A.3d at 372 (concluding that the scope of the request must identify “a discrete group of documents, either by type ... or by recipient”); *Legere*, 50 A.3d 260, 264-65 (Pa. Commw. Ct. 2012) (holding that, because a request delineated “a clearly-defined universe of documents[,]” there was no need to make a judgment call as to whether any records were related to the request).

Therefore, based on the *Pittsburgh Post-Gazette* multifactor test, without additional limiting factors as to the subject matter or scope, Items 6 through 9 of the Request do not enable the Department to ascertain what records are actually being requested. *See* 65 P.S. § 67.703. Accordingly, Items 6 through 9 of the Request are insufficiently specific in their entirety. However, nothing in this Final Determination prevents Requester from submitting a more specific RTKL request to the Department for the same information, and if necessary, filing a new appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

3. The Department has failed to demonstrate records are confidential proprietary information of Keystone Innovation Fund LP, II, White Rose Impact Fund or 1855 Capital

The Department claims that responsive records consisting of a “Confidential Private Placement Memorandum,” “Confidential Project Summaries” and “Confidential White Rose Materials” are confidential proprietary information under Section 708(b)(11) of the RTKL. 65 P.S. § 67.708(b)(11). That term is defined in Section 102 as “[c]ommercial or financial information received by an agency: (1) which is privileged or confidential; and (2) the disclosure of which would cause substantial harm to the competitive position of the [entity] that submitted the information.” 65 P.S. 67.102. An agency must establish that both elements of this two-part test are met for the exemption to apply. *See Office of the Governor v. Bari*, 20 A.3d 634 (Pa. Commw. Ct. 2011). In determining whether certain information is “confidential,” the OOR considers “the efforts the parties undertook to maintain their secrecy.” *Commonwealth v. Eiseman*, 85 A.3d 1117, 1128 (Pa. Commw. Ct. 2014), *rev’d in part*, *Pa. Dep’t of Pub. Welfare v. Eiseman*, 125 A.3d 19 (Pa. 2015). To determine “whether disclosure of confidential information will cause ‘substantial harm to the competitive position’ of the person from whom the information was obtained, an entity needs to show: (1) actual competition in the relevant market; and (2) a likelihood of substantial competitive injury if the information were released.” *Id.*

The Department invoked this exemption on behalf of third party entities, namely, the University, Keystone Innovation Fund LP, II, White Rose Impact Fund and 1855 Capital. Where a third party makes a submission and marks it as confidential proprietary information, the Department may raise Section 708(b)(11) to avoid prejudicing the rights of those third parties. *Davis v. Pa. Dep’t of Health*, OOR Dkt. AP 2023-0332, 2023 PA O.O.R.D. LEXIS 524 (explaining that the Department may raise the exemption to protect the rights of third parties). However, an

agency is not permitted to delegate its responsibility to determine whether a record is exempt to a third party entirely. *McKelvey v. Pa. Dep't of Health*, 255 A.3d 385, 404 (Pa. 2021) (“the language of the RTKL is plain and unambiguous, placing the burden and responsibility on the governmental agency to independently evaluate and discern the validity of claimed exemptions to disclosure in the first instance, including those made by third parties.”).

Here, the Department explains that it contacted the interested third parties and notified them of their ability to participate before the OOR. Kerns Clarification Attestation ¶¶ 3-4. While the University requested to participate, it indicated that the withheld responsive records in this case do not implicate confidential proprietary information of the University. *See* August 10, 2026 University Position Statement. No other third party requested DIP status for this appeal.

There is insufficient evidence before us that addresses the “efforts... to maintain [the records’] secrecy” or present any detailed evidence that disclosure of any of the records is likely to cause “substantial harm to the competitive position [of the submitting entity],” 65 P.S. § 67.102, as it is unlikely that the Department even has access to the information it would need to establish such factors. Third parties are permitted to raise and defend exemptions to protect their information. *Highmark Inc. v. Voltz*, 163 A.3d 485, 491 (Pa. Commw. Ct. 2017)(*en banc*); *Pa. Dep't of Educ. v. Bagwell*, 131 A.3d 638 (Pa. Commw. Ct. 2016); *Office of the Governor v. Bari*, 20 A.3d 634 (Pa. Commw. Ct. 2011). In this case, the affected third parties were provided with notice of the pending appeal chose not to participate or submit any evidence or argument in support of the claimed exemption. Because “agencies are not permitted to waive a third party’s interest in protecting the records,” *Bagwell*, 131 A.3d at 650, the Department properly did not waive the third parties’ interest at the Request stage and instead withheld a third-party record potentially exempt pursuant to Sections 707(b) and 708(b)(11) of the RTKL. *See* 65 P.S. §§

67.707(b); 708(b)(11). However, because the burden of proof as to whether the exemption applies has not been met on appeal and the affiliated third parties have not participated on appeal by submitting any argument/evidence in support of withholding the records under Section 708(b)(11) of the RTKL, those records may not be withheld under Section 708(b)(11) of the RTKL. Thus, because Keystone Innovation Fund II, LP, White Rose Impact Fund and 1855 Capital failed to participate on appeal, the OOR is constrained to find that the responsive records must be provided to the Requester. *See e.g., Mission Pa., LLC v. McKelvey*, 212 A.3d 119, 138 (Pa. Commw. Ct. 2019) (redactions were not supported by the evidence where the third party did not prove the confidential nature of or describe the content of its redactions).

4. The Department proved no additional records are within the possession, custody or control of the Department

The Department asserts that additional responsive records do not exist within the Department's possession, custody or control. In response to a request for records, "...an agency shall make a good faith effort to determine...whether the agency has possession, custody or control of the identified record[.]" 65 P.S. § 67.901. While the RTKL does not define the term "good faith effort," in *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, the Commonwealth Court stated:

As part of a good faith search, the open records officer has a duty to advise all custodians of potentially responsive records about the request, and to obtain all potentially responsive records from those in possession...When records are not in an agency's physical possession, an open records officer has a duty to contact agents within its control, including third-party contractors...After obtaining potentially responsive records, an agency has the duty to review the records and assess their public nature under...the RTKL.

185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (citations omitted), *aff'd*, 243 A.3d 19 (Pa. 2020).

An agency must show, through detailed evidence submitted in good faith from individuals with knowledge of the agency's records, that it has conducted a search reasonably calculated to uncover all relevant documents. *See Burr v. Pa. Dep't of Health*, OOR Dkt. AP 2021-0747, 2021 PA

O.O.R.D. LEXIS 750; *see also* *Mollick v. Twp. Of Worcester*, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011).

AORO Gaul indicates that a search for responsive records was conducted by Brian Ichord, the Department's Venture Capital Advisor, and Jenn Leinbach, the Department's Economic Development Consultant, who are the most qualified and knowledgeable employees to search for the records requested and to determine if there are any possible additional records custodians, due to their positions in the Department. Gaul Attestation ¶ 5, 9. The Department searched its program files, SSBCI files, shared repositories of records, and Department email for responsive records. *Id.* at ¶ 6. The Department also consulted with other potential record custodians, including Ryan Emerson, the Department's Director of Grants for Business Finance, and Allison Cramer, the Department's Economic Development Consultant. *Id.* at ¶ 7. A search was conducted using the provided time frame, and specific search terms from the Request, including "White Rose," "Keystone Innovation Fund," "1855 Capital," "BFTDA," and "ReturnLogic," as well as "portfolio," "compliance," and "reporting," "risk," and "default" to locate responsive records within the Department's files and emails. *Id.* at ¶ 8. AORO Gaul confirms that the records located and produced in response to this Request as well as the responsive records that were withheld are the only responsive records within the Department's possession, custody and control, and no further responsive records exist. *Id.* at ¶ 9.

The evidence submitted by the Department has demonstrated that the requirements of a good faith search were satisfied and the Department has proven by a preponderance of the evidence that additional responsive records do not exist within the Department's possession, custody or control. *See* 65 P.S. § 67.708(a); *see also* *Hodges*, 29 A.3d at 1192.

CONCLUSION

For the foregoing reasons, the appeal is **granted in part and denied in part**, and the Department is required to provide the “Confidential Private Placement Memorandum,” “Confidential Project Summaries” and “Confidential White Rose Materials” to Requester within thirty days. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to 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.⁵ 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 OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: September 8, 2026

/s/ Julie Sodl

APPEALS OFFICER
JULIE SODL

Sent via E-File Portal to: Peter Sobotta
Shawn Kerns, Esq., Interim AORO
Candace Gaul, AORO
Natalie Grosse, Esq.

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