



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 9, 2026

IN RE: *Bryan Shearer v. York County*, OOR Dkt. AP 2026-3437

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is **DISMISSED**:

On August 21, 2026, the OOR issued an Order notifying Bryan Shearer (“Requester”) that the appeal was deficient because it failed to include a copy of the Request and a complete copy of the County’s response. The OOR informed the Requester that the documents were required to cure the deficiency and directed the Requester to file a copy of the Request and a complete copy of the County’s response by September 4, 2026, pursuant to 65 P.S. § 67.1303(b). However, to date, the Requester has failed to comply with the OOR’s Order and, without these documents, the OOR lacks sufficient clarity to allow the OOR to adjudicate the matter.¹ Additionally, the OOR would be unable to present a complete record on appeal to an appellate court as required by Section 1303(b) of the RTKL. As the Requester has failed to comply with the OOR’s Order, this matter is **dismissed**.

For this reason, the County 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 York 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. 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>.²

Issued by:

/s/ *Joshua T. Young*

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-File Portal to: Bryan Shearer; Jonelle Harter Eshbach, AORO

¹ The Requester’s appeal form references a RTKL request dated July 1, 2026, and alleges the County’s response was issued on August 10, 2026. However, on August 21, 2026, the Requester provided the OOR with a copy of a RTKL request dated July 7, 2026, and an extension notice referencing a RTKL request from July 1, 2026. Without a copy of the correct RTKL request, it is unclear exactly what records were requested, if the RTKL request at issue in the appeal was modified in some way in light of the documents submitted, or if the appeal statement accurately summarizes the County’s response.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).