

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 9, 2026

IN RE: *Richard Pluck v. Shamokin City*, OOR Dkt. AP 2026-3502

On August 10, 2026, Richard Pluck (“Requester”) submitted a request (“Request”) to Shamokin City (“City”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* When the City failed to respond by August 17, 2026, the Request was deemed denied. 65 P.S. § 67.901. On August 25, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”).

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the City did not comply with the RTKL by timely responding to the Request, nor did the City participate on appeal by submitting legal argument or evidence in support of withholding records.¹ Accordingly, the City failed to meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, and the City is required to produce the requested records within thirty days. Failure to comply with this Final Determination may result in the imposition of court costs, attorney fees, or civil penalties by a reviewing court. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Northumberland 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. However, 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.² 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>.

Issued by:

/s/ Blake Eilers

SENIOR APPEALS OFFICER

BLAKE EILERS, ESQ.

Delivered via OOR E-file Appeal Portal to: Richard Pluck, Robert M. Slaby

¹ On August 28, 2026, the Requester submitted a letter the City had sent him on the previous day, attempting to invoke a thirty-day extension to respond. *See* 65 P.S. § 67.902(b) (noting that an extension must be invoked within five business days of a request’s receipt). In response to the OOR’s request for evidence regarding the date the Request had been received, the Requester submitted verification confirming that he sent the Request on August 10th and received the City’s letter on the 27th. Despite viewing the docket on several occasions, the City failed to respond.

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