

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 9, 2026

IN RE: *Raymond Hofelder v. Yardley Borough*, OOR Dkt. AP 2026-3370

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:

The records do not exist. On September 1, 2026, Yardley Borough (“Borough”) submitted a statement made under the penalty of perjury from Patricia Sargent, (“Sargent Attestation”) the Borough’s Financial Assistant, who attests that all of the responsive records, which encompassed three pages, are only maintained by the Borough in hardcopy format in paper files. Sargent Attestation, ¶¶6-7; *see also* Position Statement. The Borough does not keep the requested records in electronic format. *Id.* at ¶7. As the Borough offered an in-person inspection of the responsive records, or alternatively, a copy of the records at a duplication fee of \$0.25 per page, resulting in an estimated total fee of \$0.75, the Borough has met its obligation under the RTKL. 65 P.S. § 67.701. Based upon this evidence, the Borough has demonstrated responsive records do not exist in the format requested and it is not required to create a record. 65 P.S. § 67.705; *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For this reason, the Borough 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 Bucks 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.¹ 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/ Meryl M. Peterman

MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via portal to: Raymond Hofelder
Travis Hunsberger, Esq.

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).