



FINAL DETERMINATION

IN THE MATTER OF

**CAMERON HUNTER AND SCHNEE
LEGAL SERVICES, LLC,
Requester**

v.

**READING CITY,
Respondent**

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Docket No: AP 2026-3473

FACTUAL BACKGROUND

On July 8,¹ 2026, Cameron Hunter (“Requester”) filed a request (“Request”) with Reading City (“Reading City”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking journeyman plumber license applications and master plumber licenses associated with those applications for the past ten years.

On the same date, the City invoked a thirty-day extension to respond,² *see* 65 P.S. § 67.902(b), but when the City failed to respond by August 14, 2026, the Request was deemed denied on that date. *See* 65 P.S. § 67.902(b)(2).

On August 21, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), stating grounds for disclosure. The OOR invited both parties to supplement the record

¹ Although the Request is dated July 15, 2026, it is date-stamped as received on the earlier date.

² The City’s extension notice stated that a response could be expected “in 2-5 weeks depending on the amount of review necessary.” Section 902(b) of the RTKL requires that an extension notice provide “a reasonable date that a response is expected to be provided” and states that, if that date is “in excess of 30 days, following the five business days allowed for in section 901, the request for access shall be deemed denied.” 65 P.S. § 67.902(b)(2).

and directed the City to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On September 3, 2026, the day submissions were due, the City requested a week's extension to make its submission. Because of the City's history of invoking extensions and then allowing appeals to become deemed denied, *see, e.g., Koch v. City of Reading*, OOR Dkt. AP 2025-1309, 2025 PA O.O.R.D. LEXIS 1256; *Hayden v. City of Reading*, OOR Dkt. AP 2018-0244, 2018 PA O.O.R.D. LEXIS 402; *Schlegel v. City of Reading*, OOR Dkt. AP 2016-1725, 2016 PA O.O.R.D. LEXIS 1686, the OOR declined to extend the record closing date. The City failed to make a timely submission.

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. Accordingly, the City did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

The Requester argues that the City has acted in bad faith. While the OOR may make findings of bad faith, only the courts have the authority to impose sanctions on agencies. *See generally* 65 P.S. § 67.1304 (a) (noting that a court “may award reasonable attorney fees and costs of litigation ... if the court finds ... the agency receiving the ... request willfully or with wanton disregard deprived the requester of access to a public record ... or otherwise acted in bad faith....”); 65 P.S. § 67.1305(a) (“A court may impose a civil penalty of not more than \$1,500 if an agency denied access to a public record in bad faith”); *Uniontown Newspapers, Inc. v. Pa. Dep’t of Corr.*, 185 A.3d 1161, 1172 (Pa. Commw. Ct. 2018), *aff’d*, 243 A.3d 19 (Pa. 2020); *see also Office of the Dist. Atty. of Phila. v. Bagwell*, 155 A.3d 1119, 1140-41 (Pa. Commw. Ct. 2017). Bad faith involves failing to perform a detailed search and review of records to ascertain if the requested

material exists or if any exclusion applies prior to denial of access. *See Uniontown*, 185 A.3d at 1172.

The OOR has found that the City has acted in bad faith where it demonstrated a pattern of invoking extensions but failing to respond to requests or participate in the appeals. *See Hayden v. City of Reading*, OOR Dkt. AP 2018-0244, 2018 PA O.O.R.D. LEXIS 402. Furthermore, in *International Brotherhood of Electrical Workers, Local Union 743, et al v. City of Reading*, No. 17-16478 (Berks Com. Pl. Aug. 16, 2018), the Berks County Court of Common Pleas granted the plaintiff-requester's motion for attorney's fees and costs where the City invoked an extension to respond to RTKL requests and then did not issue a final response. The Court specifically noted that "it may be that the City is under-staffed and its officials occasionally overwhelmed," but nevertheless found that the very important purpose of the RTKL justified awarding fees and costs in the amount of \$12,071.75.

In the instant matter, as in *Hayden* and *International Brotherhood*, the City invoked an extension and then failed to respond. On appeal, the day before submissions were due, the City requested a weeklong extension to "either secure responsive records or further information regarding the records," indicating that it had not even attempted to fulfill the Request nearly two months after it was received. Furthermore, the OOR notes that the Request merely sought licenses, which should not be difficult to locate or require unusual effort to review and provide.

Nevertheless, the OOR is unaware of a finding of bad faith against the City since 2018. Accordingly, while the OOR declines to make a finding of bad faith in this instance, we strongly caution the City that a return to a pattern of conduct noted in *Hayden* and sanctioned in *International Brotherhood* will likely result in a finding of bad faith.

For the foregoing reasons, the Requester's appeal is **granted**, and the City is required to produce responsive records 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 Berks 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 as per Section 1303 of the RTKL, 65 P.S. § 67.1303, but as the quasi-judicial tribunal that adjudicated 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>.

FINAL DETERMINATION ISSUED AND MAILED: September 15, 2026

/s/ Blake Eilers
Blake Eilers, Esq.
Senior Appeals Officer

Delivered via OOR E-file Appeal Portal to: J. Chadwick Schnee, Esq.; Frederick T. Lachat, III, Esq.; Igor Litvinov, Esq.

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