



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 17, 2026

IN RE: *Abigail Hakas and the Latrobe Bulletin v. Delmont Borough*, OOR Dkt. AP 2026-3558

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:

No additional responsive records exist. On September 1, 2026, the Borough (“Borough”) submitted a statement made under the penalty of perjury¹ from Dawn Earhart, the Borough’s Open Records Officer, who attests that a search was conducted of Borough records and the Borough’s Police Department was consulted and, other than the information and records provided with the Borough’s final response, no additional responsive records exist in the Borough’s possession, custody or control.² See Earhart Attestation, ¶¶ 2-6. The Earhart Attestation further states that a job application does not exist because the individual identified in the Request was employed part-time and a job application was not required. *Id.*, ¶ 3. Based upon this evidence, the Borough demonstrated that it conducted a good faith search for responsive records as required by 65 P.S. § 67.901 and did not locate any. Therefore, based on the evidence provided, the Borough has met its burden of proof that it does not possess the requested records. *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 Westmoreland 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.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>.

Issued by:

/s/ Kelly C. Isenberg

KELLY C. ISENBERG, ESQ.
DEPUTY CHIEF COUNSEL

Sent via OOR E-file portal to: Abigail Hakas; Dawn Earhart, AORO

¹ 18 Pa.C.S. § 4904.

² The individual’s signature was redacted from the copy of the responsive resignation letter. The Requester has not challenged the redaction.

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