



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 21, 2026

IN RE: *Richard Pluck v. Tulpehocken Township*; OOR Dkt. AP 2026-3969

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** because:

The OOR lacks jurisdiction. The OOR does not have jurisdiction to hear appeals related to criminal investigative records held by local law enforcement agencies. *See* 65 P.S. § 67.503(d)(2). Instead, appeals involving records alleged to be criminal investigative records held by a local law enforcement agency are to be heard by an appeals officer designated by the local district attorney.¹ Accordingly, the OOR lacks jurisdiction over this matter.²

For this reason, Tulpehocken Township is not required to take any further action. Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with 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 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.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/ Joshua T. Young

Senior Deputy Chief Counsel
Joshua T. Young, Esq.

Sent via e-file portal to: Requester; Agency Open Records Officer, Tulpehocken Township

¹ Notably, the Township’s final response directed the Requester to file his appeal with the Berks County District Attorney’s Office, not the OOR.

² Additionally, section 704 of the RTKL provides that an agency may make its records available “through publicly accessible electronic means.” 65 P.S. § 67.704(b)(1). Directing a requester to a website satisfies an agency’s obligations under Section 704 of the RTKL. *See Garland v. Pa. Public Utility Comm’n*, OOR Dkt. AP 2023-0463, 2023 PA O.O.R.D. LEXIS 601.

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