

FINAL DETERMINATION

DATE ISSUED AND MAILED: September 25, 2026

IN RE: *Erin Soberick v. Lansford Borough*, OOR Dkt. AP 2026-3879

On September 3, 2026, Erin Soberick (“Requester”) filed a request (“Request”) with Lansford Borough (“Borough”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* When the Borough failed to respond by September 11, 2026,¹ the Request was deemed denied. 65 P.S. § 67.901. On September 14, 2026, the Requester filed an appeal to 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 Borough did not comply with the RTKL by timely responding to the Request, nor did the Borough participate on appeal by submitting legal argument or evidence in support of withholding records. Accordingly, the Borough did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, and the Borough 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 Carbon 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 Portal to: Erin Soberick; Joseph Genits

¹ September 7, 2026, was Labor Day.

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