

pennsylvania
OFFICE OF OPEN RECORDS
FINAL DETERMINATION

IN THE MATTER OF	:
	:
EDWARD GRAZIANO,	:
Requester	:
	:
v.	: Docket No: AP 2026-3840
	: (Consolidated with OOR Dkts.
PENNSYLVANIA DEPARTMENT OF	: AP 2026-3841 through AP 2026-3843
CORRECTIONS,	: and AP 2026-3894)
Respondent	:

FACTUAL BACKGROUND

Between July 20, 2026 and August 17, 2026, Edward Graziano (“Requester”), an inmate at SCI-Benner Township, submitted five requests (collectively, the “Requests”) to the Pennsylvania Department of Corrections (“Department”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking various records. Between August 13, 2026 and August 24, 2026, the Department issued final responses, denying the Requests based upon the Requester’s failure to pay outstanding fees from earlier RTKL requests.¹

On September 1, 2026 and September 8, 2026, the Requester submitted five separate appeals to the Office of Open Records (“OOR”), challenging the denials and stating grounds for

¹ For three of the Requests, the Department invoked thirty-day extensions of time to respond, and for two others, the Department issued a final response without invoking an extension; however, in each instance, the Department denied based upon the Requester’s failure to pay outstanding fees.

disclosure.² The OOR invited both parties to supplement the record and directed the Department to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On September 24, 2026, the Department submitted a position statement, reiterating its grounds for denial, and five separate declarations, made subject to the penalties set forth in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), from Harlee Cuomo (“Cuomo Declarations”), the Department’s Open Records Officer. The Requester did not submit any additional legal argument or evidence during the appeal.

LEGAL ANALYSIS

The Department is a Commonwealth agency subject to the RTKL. 65 P.S. § 67.301. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the Department is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1).

The Department denied the Requests, arguing that the Requester owes the Department outstanding fees related to its production of records in response to two separate RTKL requests submitted in June and July of 2026.³ The Cuomo Declarations affirm that the Requester had multiple RTKL requests proceeding at the same time and that the Department responded to the two relevant requests on July 22, 2026 and August 12, 2026, by granting or partially granting the Requests, printing the requested records, and providing the Requester with invoices reflecting the

² The appeals, all of which were timely filed based upon their postmark dates, were docketed as OOR Dkts. AP 2026-3840 through AP 2026-3843 and AP 2026-3894. Because they involve the same parties and similar issues, the OOR hereby consolidates the appeals into OOR Dkt. AP 2026-3840 for disposition.

³ These Requests were designated by the Department as RTKL #0763-26 and RTKL #0823-26.

total amount of duplication fees assessed for each Request, to be paid upon their retrieval.⁴ Cuomo Declarations, ¶¶ 6-9. Additionally, a review of the RTKL earlier requests submitted to the Department show that the Requester expressly sought copies of the records. The invoices and the Cuomo Declarations confirm that the outstanding fees for both requests totaled approximately \$86.93, and that the fees were never paid. Cuomo Declarations, ¶¶ 8-9.⁵

An agency may deny access to public records where a requester has failed to pay fees incurred in response to a prior request for records. 65 P.S. § 67.901 (stating that “[a]ll applicable fees shall be paid in order to receive access to the record requested”); *see also Pa. Dep’t of Transp. v. Drack*, 42 A.3d 355, 363 (Pa. Commw. Ct. 2012); *Brown v. Pa. Dep’t of Corr.*, 2017 Pa. Commw. Unpub. LEXIS 920 (Pa. Commw. Ct. 2017). Here, the Department argues that the Requester has not paid duplication fees in the amount of \$86.93 associated with RTKL requests from June and July of 2026, which, based upon the evidence presented and the invoices attached to the appeal forms, is not in dispute. *See Pa. Game Comm’n v. Fennell*, 149 A.3d 101 (Pa. Commw. Ct. 2016) (holding that the OOR must consider uncontradicted statements within the appeal record). Instead, the Requester argues that both RTKL requests for which the Department alleges outstanding fees are owed have been appealed to the OOR and, therefore, the Department’s denial regarding outstanding fees is premature.

The Requester identifies the appeal docketed as OOR Dkt. AP 2026-3381 as the appeal associated with RTKL #0763-26 but does not provide a docket number for the second appeal. A

⁴ Copies of these final responses and invoices were included with the Requester’s appeal documents.

⁵ Under the RTKL, a statement made under the penalty of perjury may serve as sufficient evidentiary support. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any evidence that the Department has acted in bad faith, “the averments in [the Cuomo Declarations] should be accepted as true.” *McGowan v. Pa. Dep’t of Env’tl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

Final Determination in OOR Dkt. AP 2026-3381⁶ was issued on September 11, 2026. Based upon our review of that Final Determination, the Requester did not challenge the fees assessed for the duplication of records and, in the absence of a decision finding the fees to have been unreasonable or improper, the Requester must pay them. While the Requester may be correct that the other RTKL request, identified as RTKL #0823-26, is currently pending before the OOR, the fact remains that the Requester has unpaid fees stemming from RTKL #0763-26; as a result, the Department permissibly denied the Requests.

CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the Department is not required to take any further action. 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 Commonwealth Court. 65 P.S. § 67.1301(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 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. 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>.

FINAL DETERMINATION ISSUED AND MAILED: 29 September 2026

/s/ Joshua T. Young

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via: Edward Graziano, BU-7686 (via U.S. Mail);
Joseph Gavazzi, Esq. and Harlee Cuomo, AORO

⁶ Available at <https://www.openrecords.pa.gov/Appeals/DocketSheet.cfm?docket=20263381>.