



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 30, 2026

IN RE: *Dulce Ridder and Stroudsburg Herald, LLC v. Stroudsburg Borough*, OOR Dkt. AP 2026-3151

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:

The redacted material is exempt from disclosure. Section 708(b)(7) of the Right-to-Know Law exempts from disclosure certain records relating to an agency employee, including “[w]ritten criticisms of an employee.” 65 P.S. § 67.708(b)(7)(vi).¹ Here, the Request seeks a resignation letter, which was provided to the Requester with redactions in response to the Request. On August 13, 2026, Stroudsburg Borough (“Borough”) submitted an affidavit, duly sworn, authored by Rebecca Smith (“Smith Affidavit”), the Borough’s Agency Open Records Officer (“AORO”), who attests that the redactions made to the Borough Council Member’s resignation letter contain the Council Member’s direct criticism of the qualifications and performance of two Borough employees. Smith Affidavit ¶ 5. Based upon this evidence, the Borough has demonstrated that the redacted material is exempt from disclosure. Therefore, the Borough has met its burden of proof. 65 P.S. § 67.708(a)(1).²

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 Monroe 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/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ., APPEALS OFFICER

Sent via portal only to: Dulce Ridder; Christopher S. Brown, Esq.; Becky Smith

¹ “[T]he RTKL expressly exempts ‘written criticisms of an employee’ from public access.” See *Johnson v. Pa. Convention Ct. Auth.*, 49 A.3d 920 (Pa. Commw. Ct. 2012) (Section 708(b)(7) applies whenever there is criticism of individuals who are employees of the agency).

² While the Requester sought an *in camera* review of the redacted record, the OOR has the information and evidence before it to properly adjudicate the matter. Therefore, the request for *in camera* review is denied.

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