



FINAL DETERMINATION

IN THE MATTER OF

**DENNIS PAPE,
Requester**

v.

**MUNICIPALITY OF
MONROEVILLE,
Respondent**

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**Docket No: AP 2026-3728
Consolidated Appeal of OOR
Dkt. Nos. AP 2026-3729 and
AP 2026-3731**

On July 26, 2026, Dennis Pape (“Requester”) submitted three requests (collectively the “Request”) to the Municipality of Monroeville (“Municipality”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

- [1.] Records concerning the probationary period of Commander Jason C. Safar.
- [2.] Records concerning citizen complaints investigated by the Monroeville Police Department.
- [3.] Records concerning citizen complaints concerning alleged body-worn camera policy by then-Lieutenant Jason C. Sara.¹

On August 26, 2026, following an extension of time to respond, 65 P.S. § 67.902, the Municipality denied Item 1, stating the records do not exist. The Municipality granted Item 2 in part and provided a complaint log. The Municipality also denied Item 2 in part, asserting that

¹ The Items have been numbered by the OOR for purposes of clarity. The Items were docketed by the OOR as follows: Item 1 as OOR Dkt. AP 2026-3728; Item 2 as OOR Dkt. AP 2026-3729; and Item 3 as OOR Dkt. AP 2026-3731.

certain records do not exist; that certain records related to written criticisms of an employee, 65 P.S. § 67.708(b)(7); and that certain records are exempt as relating to a noncriminal investigation, 65 P.S. § 67.708(b)(17). The Municipality granted Item 3 in part and provided a call detail report and Monroeville Ordinance 2815. The Municipality also denied Item 3 in part, asserting that certain records do not exist and that certain records are exempt as relating to a noncriminal investigation, 65 P.S. § 67.708(b)(17).

On September 8, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the Municipality’s response. The OOR invited both parties to supplement the record and directed the Municipality to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c). The Municipality did not submit legal argument or evidence during the appeal.²

The Municipality is a local agency subject to the RTKL. 65 P.S. § 67.302. 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; therefore, the Municipality is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). Here, however, the Municipality did not participate on appeal by submitting legal argument or evidence in support of withholding these records. Accordingly, the Municipality failed to meet its burden of proving that the records may be withheld. 65 P.S. § 67.305.

For the foregoing reasons, the appeal is **granted**, and the Municipality is required to provide all records responsive to the Request within thirty days, subject to redactions regarding

² On September 21, 2026, in each docket, the Municipality submitted a statement stating it had no other submission.

identification information.³ This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Allegheny 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.⁴ 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>.

FINAL DETERMINATION ISSUED AND MAILED: October 1, 2026

/s/ Meryl M. Peterman

MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Dennis Pape
Joe Sedlak, AORO

³ As citizen complaints may include identification information, the OOR is not ordering the release of this information. Although the Municipality did not participate on appeal, an agency cannot waive the rights of third parties on appeal. See *McKelvey v. Pa. Dep't of Health*, OOR Dkt. AP 2017-1443, 2018 PA O.O.R.D. LEXIS 72. In *Pa. State Educ. Ass'n. v. Commonwealth*, the Pennsylvania Supreme Court held that an individual possesses a right to privacy in certain types of personal information. 148 A.3d 142 (Pa. 2016). When a request for records implicates personal information not expressly exempt from disclosure under the RTKL, the OOR must balance the individual's interest in informational privacy with the public's interest in disclosure and may release the personal information only when the public benefit outweighs the privacy interest. *Id.*; see also *Pa. State Univ. v. State Employees' Retirement Bd.*, 935 A.2d 530 (Pa. 2007) (employing a balancing test with respect to home addresses sought under the former Right-to-Know Act). Home addresses, names of private citizens, phone numbers and email addresses have been found to be protected by the constitutional right to privacy. See *Sapp Roofing Co. v. Sheet Metal Workers' International Assoc.*, 713 A.2d 627, 630 (Pa. 1998), see also *Hartman v. Pa. Dep't of Conserv. & Nat. Res.*, 892 A.2d 897, 906-07 (Pa. Commw. Ct. 2006); *Anita Caughy v. Stockertown Borough Police Department*, OOR Dkt. 2021-2086, 2021 PA O.O.R.D. LEXIS 2112.

⁴ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).