pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
AARON SHOVER,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-3664**
	:	
BIG SPRING SCHOOL DISTRICT,	:	
Respondent	:	

FACTUAL BACKGROUND

On July 20, 2026,[1] Aaron Shover ("Requester") submitted a request ("Request") to the Big Spring School District ("District") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking:

> …[C]opies of all solicitor/legal invoices received by the District from September 1, 2024 through March 31, 2026.
>
> This includes all itemized billing entries, time records, descriptions of work performed, and billing codes. This [R]equest includes any invoices or billing records for legal services provided by the District's solicitor, any associate attorneys, paralegals, or outside counsel retained by the solicitor or the District.
>
> This [R]equest includes, but is not limited to:
> • monthly solicitor invoices
> • itemized billing statements
> • time entries and time logs

[1] While the Request is dated July 18, 2026, the Request was received by the District on July 20, 2026. *See* Lentz Attestation ¶ 2.

> • descriptions of work performed
> • billing codes and internal accounting codes
> • records showing payments made toward these invoices
> • correspondence transmitting invoices to the District
> • internal summaries or breakdowns of legal expenses
> • accounting records identifying the specific fund, account code, cost center, object code, and ledger entries from which payments for these invoices were made[.]
>
> TYPES OF RECORDS INCLUDED
> This [R]equest applies to the above-listed record types in the ordinary course of [D]istrict business, including emails, attachments, billing statements, time entries, and accounting records maintained by the District. This [R]equest includes any responsive records that still exist in the [D]istrict's ordinary retention or compliance systems used in the normal course of business. This [R]equest does not require the [D]istrict to restore backups, access disaster-recovery systems, or retrieve records that no longer exist within those standard retention systems.
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> Responsive records specifically include:
> • PDF invoices, scanned invoices, or native electronic invoices
> • itemized billing statements or attachments
> • internal accounting records reflecting legal expenditures
> • records showing payments made toward these invoices
> • correspondence transmitting invoices to the District
> • internal summaries or breakdowns of legal expenses[.]
>
> SCOPE OF REQUEST
> The scope of this [R]equest covers all solicitor/legal invoices received by the District on or after September 1, 2024[,] through March 31, 2026, as well as any internal or external records documenting the District's legal expenditures during this period.

On August 19, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the District granted the Request, but demanded prepayment fee of $32.50 to redact and duplicate hard copies of approximately 130 pages of records responsive to the Request. The District notified the Requester that upon receipt of the prepayment, the District would process the Request and provide responsive records within thirty days.

On September 3, 2026, the Requester appealed to the Office of Open Records ("OOR"), challenging the prepayment of fees for duplication and redaction of the responsive invoices.[2] The OOR invited both parties to supplement the record and directed the District to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On September 16, 2026, the District submitted an attestation made under the penalty of unsworn falsification to authorities[3] authored by Cristy Lentz ("Lentz Attestation"),[4] the District's Business Manager and Open Records Officer ("AORO"), clarifying its position pertaining to fees.

On the same date, the Requester submitted two additional position statements again contesting the prepayment of the fee and also the cost of duplication per page.

LEGAL ANALYSIS

The District 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. As an agency subject to the RTKL, the District is required to demonstrate, "by a preponderance of the evidence," that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as "such proof as leads the fact-finder...to find that the existence of a contested fact is more probable than its nonexistence." *Pa. State Troopers Ass'n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

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[2] The OOR notes that the District partially denied the Request, to the extent that the Request is seeking records beyond legal invoices, claiming the Request is insufficiently specific. However, the Requester is clear that the specificity of the Request is not at issue on appeal and, as a result, that issue will not be discussed in this Final Determination. *See* 65 P.S. § 67.703.

[3] 18 Pa.C.S. § 4904.

[4] Under the RTKL, a sworn affidavit or unsworn attestation 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 this matter, the Requester appealed because the District responded to the Request by demanding prepayment of $32.50 to redact and duplicate responsive records. An agency must respond to a RTKL request within five business days with a grant, denial, or a notice under Section 902(b) of the RTKL invoking an extension. 65 P.S. § 67.901. This notice "shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available." 65 P.S. § 67.902(b)(2). The permissibility of fees is within the OOR's jurisdiction and a challenge to the fees assessed is properly raised in an appeal. *See* 65 P.S. § 67.1307(b)(1)(i); *Prison Legal News v. Office of Open Records*, 992 A.2d 942 (Pa. Commw. Ct. 2010). Section 1307(g) of the RTKL provides as follows:

> Except as otherwise provided by statute, no other fees may be imposed unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for an agency's review of a record to determine whether the record is a public record, legislative record or financial record subject to access in accordance with this act.

Section 1307 provides guidelines for postage fees, duplication fees, certification fees, printing fees, enhanced electronic access fees, and a catchall provision. 65 P.S. §§ 67.1307(a)-(g). Under that Section, the OOR has the authority to establish fees for duplication for Commonwealth and local agencies. 65 P.S. § 67.1307(b)(1)(i). Additionally, when a fee estimate is expected to exceed $100.00, an agency may demand prepayment of those fees prior to granting a request for access. 65 P.S. § 67.1307(h). "An agency may only pass on the cost of duplication that corresponds to those pages to which an agency is granting access." *Pa. Dep't of Educ. v. Bagwell*,131 A.3d 638, 654 (Pa. Commw. Ct. 2016).

In this matter, a review of the District's prepayment notice demonstrates that a search was conducted for the requested records. Upon review, the District determined that some records

existed in paper format, which required duplication for the purpose of making redactions. The District calculated the number of paper records to arrive at the prepayment total. The District notified the Requester that a prepayment of $ 32.50 was sought under Section 1307(h) of the RTKL to redact and duplicate approximately 130 pages of responsive records. The District's fee estimate was based upon OOR's Fee Schedule and the OOR has approved fees of up to $ 0.25 per page for the duplication of records.[5] *See DeBartola v. Cambria County District Attorney's Office*, OOR Dkt. AP 2017-0050, 2017 PA O.O.R.D. LEXIS 1019 (The OOR Fee Schedule does not permit an agency to impose any additional fee for the time and labor spent making redactions; however, it does permit an agency to charge copying fees for any printing necessary to securely redact records.); *Pa. Dep't of Educ. v. Bagwell*, 131 A.3d 638, 653 (Pa. Commw. Ct. 2016) (For such an estimate to comprise more than a guess and closely correspond to the fees a requester will owe when an agency undertakes the final step of duplication and physical redaction, an agency must review the records at issue.).

On appeal, in support of the District's position, the District affirms its fees, but does not seek prepayment. The District provides:

> 6. The District acknowledges that Section 1307(h) provides that the District cannot delay retrieval or preparation of the documents if the expected cost is less than $100. The records requested are in the process of being prepared for pick up by September 25, 2026, at which time the Requester will be required to pay duplication costs in order to obtain the records.
>
> …
>
> 8. The Business Office maintains the requested records in hard-copy format. This is done so that the Business Office may attach additional records and make notations on the records to redact nonpublic information. The Business Office will need to duplicate the originals before redacting the same. This is why there is a copying fee associated with the records.

[5] OOR Fee Schedule: https://www.openrecords.pa.gov/RTKL/FeeStructure.cfm.

Lentz Attestation, ¶¶ 5-6, 8.

The District's AORO attests and acknowledges that the cost to duplicate records is under $ 100.00, and it may not seek prepayment under Section 1307(h). Although the District may not require prepayment under Section 1307(h), once the copies have been made, it may collect any incurred copying fees prior to providing the records to the Requester. The RTKL favors a contemporaneous exchange of fees for records, but in no event is an agency required to send the records without receiving the fees at issue. Section 901 of the RTKL provides that "[a]ll applicable fees shall be paid in order to receive access to the record requested." 65 P.S. § 67.901. Therefore, pursuant to Section 901, the District may withhold providing responsive records until the Requester pays the copying fees. But, upon receipt of the records, the Requester may appeal the sufficiency or completeness of the records and the fees within 15 business days. *See Buehl v. Pa. Dep't of Corr.*, No. 198 C.D. 2015, 2015 Pa. Commw. Unpub. LEXIS 552 (Pa. Commw. Ct. 2015) (finding that appellate rights may be triggered from an agency's response to a RTKL request and from the requester's receipt of the requested records); *see also Pedro v. City of Phila.*, OOR Dkt. AP 2020-2236, 2020 PA O.O.R.D. LEXIS 3102 (the City provided electronic records but demanded prepayment for records in hardcopy); *Sotherden v. Montgomery Cnty.*, OOR Dkt. AP 2021-1229, 2021 PA O.O.R.D LEXIS 1473; *Land v. Haverford Twp.*, OOR Dkt. AP 2026-2068, 2026 PA O.O.R.D. LEXIS 2594.

CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the District 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 Cumberland 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.[6] 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: October 1, 2026

/s/ Damian J. DeStefano

DAMIAN J. DESTEFANO
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Aaron Shover; Cristy Lentz, AORO;
Thomas W. King, III, Esq.; Thomas E. Breth, Esq.

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