



FINAL DETERMINATION

DATE ISSUED AND MAILED: October 14, 2026

IN RE: *Melissa Medina v. Berks County*, OOR Dkt. AP 2026-4217

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 records are exempt from disclosure. Section 708(b)(18) of the Right-to-Know Law exempts from disclosure “[r]ecords or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings.” 65 P.S. § 67.708(b)(18)(i). Here, the Request seeks the recordings of certain 911 calls to emergency dispatch personnel. On October 13, 2026, Berks County (“County”) submitted an affidavit, made under the penalty of perjury, from Amanda Helbert (“Helbert Affidavit”), the County’s Open Records Officer. The Helbert Affidavit affirms that the County has not determined that the public interest in disclosing the 911 call recordings outweighs nondisclosure. Helbert Affidavit, ¶¶ 6-10. Therefore, based upon this evidence and the plain language of the Request itself, the County has proven that the 911 call recordings are exempt from disclosure. 65 P.S. § 67.708(a)(1); *see also Pa. Game Comm’n v. Fennell*, 148 A.3d 101 (Pa. Commw. Ct. 2016) (holding that the OOR must consider uncontradicted statements contained in the appeal as evidence).

For this reason, the County 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 Berks 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. 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/ *Joshua T. Young*

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Melissa Medina; Julia Schmid, Esq.; Amanda Helbert, AORO