

FINAL DETERMINATION

DATE ISSUED AND MAILED: October 14, 2026

IN RE: *Marisa Ellers and Hometown Histories v. Moon Area School District*, OOR Dkt. AP 2026-4080

On September 13, 2026, Marisa Ellers (“Requester”) submitted a request (“Request”) to Moon Area School District (“District”) pursuant to the Right-to-Know-Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking records relating to the District name change, school board minutes and historical nonconfidential materials regarding alumni killed in service. The District did not respond within five business days of receiving the Request, and the Request was, therefore, deemed denied on September 21, 2026. 65 P.S. § 67.901. On September 22, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”).

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here the District did not comply with the RTKL by timely responding to the Request, nor did the District participate on appeal by submitting legal argument or evidence in support of withholding records.¹ Accordingly, the District did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, the District is required to provide the requested records to the Requester within thirty days, or, in the alternative, a sworn affidavit or a statement made under the penalty of perjury demonstrating that the records do not exist. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with 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.² 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/ Meryl M. Peterman
MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via portal to: Marisa Ellers; Jessica Drylie (AORO)

¹ The OOR contacted the District via letter on October 6, 2026, to which no response was received.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).