



FINAL DETERMINATION

IN THE MATTER OF	:
	:
THEODORE TULLOCH,	:
Requester	:
	:
v.	: Docket No: AP 2026-3345
	:
COUNTY OF ERIE,	:
Respondent	:

The Office of Open Records (“OOR”) received the above-captioned appeal under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* For the following reasons, the appeal is dismissed in part and denied in part.

On July 31, 2026, Theodore Tulloch (“Requester”) submitted a request (“Request”) to the County of Erie (“County”) pursuant to the RTKL, seeking records related to the Greater Erie County Community Action Committee (“GECAC”) from July 1, 2023, through June 30, 2026.¹ On August 3, 2026, the County closed this Request as misdirected, indicating that it had previously provided records in response to a prior RTKL request by the Requester. The County further

¹ The Requester identified four documents: Erie County GECAC Grant Agreement 2025-029 for \$263,200, covering January through December 2025; GECAC Rental Assistance Contract 2408-400 covering July 1, 2023, through June 30, 2024, including Amendment No. 1/ECEIS File No. 2024-358; GECAC Rental Assistance Contract 2508-400 covering July 1, 2024, through June 30, 2025, and; GECAC Rental Assistance Agreement 2608-104/ECEIS File No. 2025-249 covering July 1, 2025, through June 30, 2026. Within each document, the Requester sought specific records. The Requester stated that he already possessed copies of some executed agreements and sought records to the identified documents.

indicated that records sought by the Requester would be in the possession of GECAC and provided the Requester with the name and contact information for GECAC's attorney.

On August 14, 2026, the Requester filed an appeal with the Office of Open Records ("OOR"), challenging the denial. The OOR invited both parties to supplement the record and directed the County to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On August 31, 2026, the County submitted a position statement stating that in the course of preparing for the instant appeal, it was discovered that all documents relating to the prior RTKL request had not been released. The County released all these previously omitted documents to the Requester. Within its submission, the County provided the following: the affidavit of Benjamin Kernick ("Kernick Affidavit") regarding the inadvertent omission of items; the affidavit of Anne Maries ("Maries Affidavit") which clarified that with respect to the Request, most documents had already been provided under a prior RTKL request aside from the seven (7) additional pages located and attached to the submission, and; the affidavit of Christopher Groner ("Groner Affidavit") verifying that GECAC is not a department of the County and the County exercises no control over the operations of GECAC. The County also provided a docket sheet regarding a federal lawsuit filed by the Requester against GECAC, which the County takes as evidence that the Requester has available to him the full federal court discovery process.

Ms. Maries affirms that seven pages of specific documents sought were provided and attached as part of her Affidavit. *See* Maries Affidavit. This included Exhibits A and B of the Grant Agreement 2025-029 and Amendment 1 of Contract 2408-440/ECEIS 2024-358. *Id.* Ms. Maries also states that the Requester sought information regarding the following contracts/agreements: 2408-400, 2508-400, 2608-104. *Id.* These contracts were also known by separate numbers, i.e.

2408-400 equaled 2023-327, 2508-400 equaled 2024-395, and 2608-104 equaled 2025-249. *Id.* This information was already released to the Requester. *Id.*

Mr. Kernick affirms that a complete list of the documents released, as well as the ones inadvertently omitted, were provided to the Requester on August 31, 2026. *See* Kernick Affidavit. The additional release encompassed approximately 584 pages. *Id.* Mr. Kernick further affirms that no further materials pertaining to the Request have been withheld. *Id.*

As to the records provided to the Requester in response to this appeal, the appeal is moot. *See Chester Water Auth. v. Pa. Dep't of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records and, thus, “the controversy has been mooted”). The Requester has not disputed the receipt of these records or contested that the records did not meet his Request.

With respect to records in the possession of GECAC, the County supplied the Groner Affidavit. Mr. Groner affirms that as the Director of Administration for the County, he is familiar with the comprehensive operation of the County and its departments. *See* Groner Affidavit. He verifies that GECAC is not a department or entity of the County and the County is not the custodian of records of GECAC other than items already in possession of the County. *Id.* As GECAC is a separate agency, not a third party, Section 506(d) is inapplicable. *See* 65 P.S. § 67.506(d)(1).

For the foregoing reasons, the appeal is **denied in part** and **dismissed as moot in part**. The County 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 or petition for review to the Erie 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>.

FINAL DETERMINATION ISSUED AND MAILED: October 15, 2026

/s/ Meryl M. Peterman

MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Theodore Tulloch
Deanna Heasley, Esq.

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