



FINAL DETERMINATION

DATE ISSUED AND MAILED: October 15, 2026

IN RE: *Anthony Baratta and Baratta Law, LLC v. Montgomery County*, OOR Dkt. AP 2026-3517

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 records related to emergency recordings and transmissions. Here, the Request seeks records related to a 911 call and the resulting emergency dispatch. On September 8, 2026, Montgomery County (“County”) submitted a statement made under the penalty of perjury by Open Records Officer Josh Wertheimer, Esq. (“Wertheimer Attestation”), affirming that the County provided time response logs with the nature and address of the incident, types of responding units, and the event number. Wertheimer Attestation, ¶¶ 9-10. Evidence establishes that all non-exemption information has been provided; all other records are related to a 911 call or emergency dispatch. *Id.*, ¶¶ 13-17. The Requester suggests that the County did not prove that Section 708(b)(18)(ii), which permits disclosure if “an agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure,” does not apply. However, the County has determined that the exception does not apply, and this determination is not subject to the OOR’s legal review. *Id.*, ¶ 18. Based upon this evidence, the County has met its burden of proving that the records are exempt from disclosure. 65 P.S. § 67.708(a)(1).

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 Montgomery 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.¹ 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/ Blake Eilers
Blake Eilers, Esq.
Senior Appeals Officer

Sent via OOR e-file portal: Anthony Baratta, Esq.; Josh Wertheimer, Esq.

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).