

pennsylvania
OFFICE OF OPEN RECORDS
FINAL DETERMINATION

IN THE MATTER OF

**MICHAEL MANCINI,
Requester**

v.

**CITY OF SCRANTON,
Respondent**

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Docket No: AP 2026-3512

FACTUAL BACKGROUND

On August 18, 2026, Michael Mancini (“Requester”) submitted a request (“Request”) to the City of Scranton (“City”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

[E]lectronic copies of existing [City] records relating to the businesspersons, vendors, contractors, developers, intermediaries and other entities referenced in the federal prosecution of former [City] Mayor William L. Courtright. This request specifically concerns United States v. William L. Courtright, U.S. District Court for the Middle District of Pennsylvania, Criminal No. 3:19-cr-00208. In its September 4, 2020 Memorandum, Document 41, the federal court addressed Paragraph 56 of the Presentence Investigation Report, which stated that Courtright received, directly or through intermediaries, more than \$50,000 in cash payments from more than 10 businesspersons who sought to corruptly influence him. The July 1, 2019 Criminal Information also identifies or describes Person #1, Company #1, Person #2, other unnamed businesspersons, intermediaries, and unindicted co-conspirators associated with the [City]. I am not asking the City to answer a question, conduct research, create a new record, or determine whether any individual committed a crime. I am requesting existing public records in the City’s

possession that identify the individuals and businesses described in the federal court proceedings. Specifically, I request the following:

1. Records identifying the businesspersons and businesses Any existing list, spreadsheet, index, memorandum, correspondence, vendor record, contract record, permit record, licensing record, financial record, subpoena-production index, document-production log, or other City record that identifies any of the more than 10 businesspersons referenced in Paragraph 56 of the Presentence Investigation Report and the September 4, 2020 federal court Memorandum.

2. Person #1 and Company #1[:] All contracts, amendments, extensions, correspondence, invoices, payments, City Council legislation, procurement records and other records identifying Person #1 and Company #1 described in the federal Criminal Information. The Criminal Information describes Company #1 as the company contracted to collect delinquent City real estate taxes and refuse fees and Person #1 as its president. This includes records concerning Northeast Revenue Services LLC and records identifying its president, representatives, agents or intermediaries involved with the City during the relevant period.

3. Person #2[:] All existing City records sufficient to identify Person #2, described in Paragraph 11 of the federal Criminal Information as the owner and manager of a company that developed commercial and residential properties in Scranton and required occupancy permits, contractor licenses and other authorizations from the City's Office of Licensing, Inspections and Permits. This request includes the applicable:

- Contractor license applications and licenses;
- Building and occupancy permit applications;
- Permits and certificates;
- Inspection records;
- Code and LIPS correspondence;
- Development applications;
- Planning records;
- Communications concerning the suspension, delay, denial, approval or release of projects associated with Person #2; and
- Records concerning the contractor's license referenced in the federal Criminal Information in connection with the January 4, 2018 transaction.

4. Records concerning the additional businesspersons[:] For the period January 1, 2014 through January 9, 2019, I request existing City records identifying businesses or businesspersons involved in the Courtright federal investigation whose City contracts, permits, licenses, inspections, grants, development approvals or other City business were delayed, withheld, suspended, denied, terminated, reinstated, approved or otherwise acted upon at the direction of Mayor William Courtright or persons acting on his behalf. This includes the underlying contracts, permits,

applications, licenses, vendor records, financial records and correspondence identifying those businesses and their principals.

5. Records produced to federal or state investigators I request copies of the underlying City-generated or City-maintained public records that the City produced or transmitted in connection with the investigation of William Courtright to the: FBI; United States Attorney's Office for the Middle District of Pennsylvania; Internal Revenue Service Criminal Investigation; and/or Pennsylvania State Police. I am particularly requesting administrative and financial records such as contracts, vendor files, invoices, payment records, permits, licenses, inspection records, development records, correspondence and City Council legislation that were supplied to investigators and that identify the involved businesses and businesspersons. I am not requesting federal investigative reports or records created by law-enforcement agencies if those records are otherwise exempt. I am requesting the City's own underlying records.

6. Records associated with the payment dates identified by federal prosecutors Please provide existing City contracts, permits, licenses, vendor records, development records, correspondence or other responsive records that identify the businesses or individuals associated with the transactions described in the federal Criminal Information on or about:

- July 28, 2017;
- August 17, 2017;
- August 29, 2017;
- November 17, 2017;
- January 4, 2018;
- May 2, 2018;
- May 29, 2018; and
- July 11, 2018.

7. Intermediaries and City-associated individuals[:] Please provide existing City records identifying any City employee, official, contractor, consultant or other person referenced in City records as an intermediary or participant in communications concerning the businesses described above, including records concerning directions from Mayor Courtright to delay, stop, approve, release or otherwise influence a contract, license, permit, inspection or development project.

8. Communications[:] For January 1, 2014 through January 9, 2019, please provide responsive correspondence, including letters, memoranda and City-retained electronic communications, between Mayor Courtright or his office and the City's: Office of Licensing, Inspections and Permits; Department of Administration; Office of Community Development; Tax Collector/Single Tax Office; Planning Commission; Business Administrator; City Solicitor; and other City offices, where those records concern the specific businesses, vendors, developers, contracts, permits or licenses identified in the Courtright federal prosecution.

9. Records identifying businesses from which things of value were obtained The Criminal Information describes things of value obtained from businesspersons, including cash, use of a beach property, installation of a staircase and support framing at Summit Karate Club, and landscaping work at Courtright's personal residence. Please provide existing City vendor, contract, permit, licensing or correspondence records that identify the businesses or businesspersons associated with those transactions, to the extent such records are maintained by the City.

10. Complete identification through existing records[.] My ultimate purpose in identifying the scope of responsive records is to obtain the existing public records that disclose the names of each of the more than 10 businesspersons and their businesses referenced in the federal proceedings. Again, I am not requesting that the City create a list. If no single existing record contains all of the names, please provide the responsive existing records from which those identities are disclosed.

On August 25, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the City denied the Request, arguing that the Request is insufficiently specific in its entirety pursuant to 65 P.S. § 67.703.

On August 25, 2026, the Requester appealed to the Office of Open Records ("OOR"), challenging the denial and stating grounds for disclosure.¹ The OOR invited both parties to supplement the record and directed the City to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On September 22, 2026,² the City submitted a position statement reiterating its grounds for denial that is verified as true and correct under the penalty of perjury³ by Grace Shaner ("Shaner Statement"), the Agency Open Records Officer ("AORO").

On September 22, 2026, the Requester submitted a reply to the Shaner Statement, asserting the Request is sufficiently specific.

¹ The Requester granted the OOR a 30-day extension to issue a final determination. *See* 65 P.S. § 67.1101(b)(1) ("Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).").

² The City requested an extension to submit a position statement and supporting evidence, which was granted. *See* 65 P.S. § 67.1102(b)(3) ("In the absence of a regulation, policy, or procedure...the appeals officer shall rule on procedural matters on the basis of justice, fairness, and the expeditious resolution of the dispute").

³ 18 Pa. C.S. § 4904.

LEGAL ANALYSIS

The City 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 City 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)).

1. Portions of the Request are insufficiently specific

The City claims the entire Request is insufficiently specific pursuant to Section 703 of the RTKL. Section 703 of the RTKL states that “[a] written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested.” 65 P.S. § 67.703. When determining whether a particular request is insufficiently specific, the OOR uses the multifactor test employed by the Commonwealth Court in *Pa. Dep’t of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015).

First, “[t]he subject matter of the request must identify the ‘transaction or activity’ of the agency for which the record is sought.” *Id.* at 1125 (quoting 65 P.S. § 67.102). Second, “[t]he scope of the request must identify ‘a discrete group of documents, either by type...or by recipient.’” *Id.* (quoting *Carey v. Pa. Dep’t of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013)). Finally, “[t]he timeframe of the request should identify a finite period of time for which records are sought.” *Id.* at 1126 (citing *Carey, supra*). “The timeframe prong is, however, the most fluid of the three

prongs, and whether or not the request's timeframe is narrow enough is generally dependent upon the specificity of the request's subject matter and scope." *Id.*

The above factors are intended "to facilitate an analysis in order to determine whether an agency can ascertain which records are being requested....[t]he subject matter, scope, and timeframe of a request are flexible, analytical elements, not evidentiary requirements." *Pa. Dep't of Health v. Shepherd*, No. 377 C.D. 2021, 2022 Pa. Commw. Unpub. LEXIS 207 *6-7 (Pa. Commw. Ct. 2022), *appeal denied*, No. 334 MAL 2022, 2022 Pa. LEXIS 1862 (Pa. 2022). Finally, we must analyze the entirety of a request, as it is possible that portions of a request are insufficiently specific, while other portions provide sufficient guidance. *See Pa. State Police v. Office of Open Records*, 995 A.2d 515, 517 (Pa. Commw. Ct. 2010) (noting "the valid part of the request was included in a laundry list of requested materials").

The entire Request seeks records from the City that support the findings and conclusions made within a federal complaint, despite that federal complaint being investigated, researched, and created by federal investigators, not the City. As such, the City is left to make judgment calls as to what the federal investigators were referring to when creating their pleadings and investigatory records. The Requester cites to specific paragraphs and documents created by federal investigators and seemingly does not provide those documents to the City to refer to in attempting to analyze this Request. A request for records under the RTKL may not amount to a 'fishing expedition' by a requester. *See, e.g., Pa. Dep't of Educ.*, 119 A.3d at 1126; *Commonwealth v. Engelkemier*, 148 A.3d 522 (Pa. Commw. Ct. 2016); *Pa. Office of Inspector Gen. v. Brown*, 152 A.3d 369 (Pa. Commw. Ct. 2016) (request for 'rules, regulations, policies or related authority that governs [OIG's] duties and functions' was a 'fishing expedition'); *see also Legere*, 50 A.3d at 264-65 (explaining that a request that would require an agency to review all potentially responsive files

without knowing, with sufficient specificity, to what agency business or activity the request is related and to make judgments as to the relation of the documents to the specific request would be insufficiently specific); *see also see also Mancini v. Delaware Cnty*, OOR Dkt. AP 2023-0137, 2023 PA O.O.R.D. LEXIS 325 (holding the Request was insufficiently specific where the phrase “related communications” required the agency to make judgment calls as to the scope of records sought by the Requester). Furthermore, Item 10 of the Request does not seek any records; it merely summarizes the Requester’s purpose in making this Request.

However, Item 5 of the Request sufficiently specifies transactions or activities of the City; specifically seeking records given to federal investigators regarding Mayor Courtright. This Item of the Request is differentiated from the remainder of the Request, as it does not force the City to speculate as to the thoughts or intentions of the federal investigators.

Therefore, based on the *Pittsburgh Post-Gazette* multifactor test, without additional limiting factors as to the subject matter or scope, Items 1-4, and 6-10 of the Request do not enable the City to ascertain what records are actually being requested. *See* 65 P.S. § 67.703. Accordingly, Items 1-4 and 6-10 of the Request are insufficiently specific in their entirety. However, nothing in this Final Determination prevents Requester from submitting a more specific RTKL request to the Department for the same information, and if necessary, filing a new appeal with the OOR pursuant to the requirements of 65 P.S. § 67.1101(a)(1).

2. Records responsive to Item 5 of the Request may relate to a criminal investigation

While Item 5 of the Request is sufficiently specific, it also must be determined whether the OOR has jurisdiction to hear this appeal. The issue of subject matter jurisdiction may be raised by the parties or the OOR, *sua sponte*. *See Weber v. Wyoming Valley Sch. Dist.*, 668 A.2d 1218 (Pa. Commw. Ct. 1995) (Secretary of Education was permitted to raise issues of subject matter

jurisdiction in an administrative proceeding under the Public School Code, *sua sponte*); *see also Phila. Dist. Attorney's Off. v. Stover*, 176 A.3d 1024 (Pa. Commw. Ct. 2017) (holding that the OOR has jurisdiction to determine whether it has jurisdiction over the matter) (citation omitted).

The OOR is authorized to hear appeals for all Commonwealth and local agencies. 65 P.S. § 67.503(a). However, the OOR does not have jurisdiction to hear appeals related to criminal investigative records held by local law enforcement agencies. *See* 65 P.S. § 503(d)(2). Instead, appeals involving records alleged to be criminal investigative records held by local law enforcement agency are to be heard by an appeals officer designated by the local district attorney. *See id.* Although the City has not submitted evidence addressing this issue, the Request seeks, on its face, the underlying records used to investigate and prosecute former City Mayor William Courtright in connection with the federal prosecution *United States v. William L. Courtright*, U.S. District Court for the Middle District of Pennsylvania, Criminal No. 3:19-cr-00208. *See Pa. Game Comm'n v. Fennell*, 149 A.3d 101 (Pa. Commw. Ct. 2016) (holding that the OOR must consider uncontradicted statements in the appeal filing when construing exemptions); *Office of the Governor v. Davis*, 122 A.3d 1185, 1192 (Pa. Commw. Ct. 2015) (*en banc*) (holding that an affidavit may be unnecessary when an exemption is clear from the face of the record). While the Request discusses a federal investigation, it is quite possible that the City Police Department also investigated the matter prior to federal authorities becoming involved.⁴ Accordingly, the appeal is hereby transferred to the Appeals Officer for the Lackawanna County District Attorney's Office to determine whether the records requested relate to a criminal investigation. *See Pennsylvanians for Union Reform v. Centre Cnty. Dist. Attorney's Office*, 139 A.3d 354 (Pa. Commw. Ct. 2016) (citing 42 Pa.C.S. § 5103(a) (relating to the process for handling improperly filed appeals)). A

⁴ It is noted that the City and the City's Police Department share the same Agency Open Records Officer. *See* <https://scrantonpa.gov/services/right-to-know-request/> (last visited October 15, 2026).

copy of this final order and the appeal filed by the Requester will be sent to the Appeals Officer for the Lackawanna County District Attorney's Office.

CONCLUSION

For the foregoing reasons, the appeal is **denied in part** and **transferred in part** to the Appeals Officer for the Lackawanna County District Attorney's Office to determine whether records responsive to Item 5 are subject to access. The City is not required to take any further action at this time. 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 Lackawanna 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.⁵ 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 20, 2026

/s/ Julie Sodl

APPEALS OFFICER
JULIE SODL

Sent via E-File Portal to: Michael Mancini
Grace Shaner, AORO

Sent via Email to: Lackawanna County District Attorney's Office Appeals Officer

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