



FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
RAYMOND HOFELDER,	:	
Requester	:	
	:	
v.	:	Docket No: AP 2026-4229
	:	Consolidated Appeal of OOR
	:	Dkt. Nos. AP 2026-4229, AP
YARDLEY BOROUGH,	:	2026-4230 and AP 2026-4231
Respondent	:	

On August 19 and 24, 2026, Raymond Hofelder (“Requester”) submitted three requests (collectively the “Request”) to Yardley Borough (“Borough”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking various financial and grant records of the Borough. On September 18, 2026, following an extension of time to respond, 65 P.S. § 67.902, the Borough issued final responses, the denying the Request based upon the Requester’s failure to pay outstanding fees from earlier RTKL requests.

On September 30, 2026, the Requester filed three appeals with the Office of Open Records (“OOR”), challenging the denials and stating grounds for disclosure.¹ The OOR invited both parties to supplement the record and directed the Borough to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

¹ On October 2, 2026, the OOR consolidated the three appeals under OOR Dkt. AP 2026-4229.

On October 14, 2026, the Borough submitted a position statement, reiterating its grounds for denial, and an attestation made subject to the penalties of perjury of Paula Johnson (“Johnson Attestation”), the Agency Open Records Officer (“AORO”).

The Borough 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 Borough is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1).

The Borough denied the Request, arguing that the Requester owes the Borough outstanding fees related to its production of records in response to fifteen prior RTKL requests submitted in July 2026. The Johnson Attestation explains that these fees arose because certain responsive records exist only in paper form and must be physically reproduced before copies can be provided to the Requester. Johnson Attestation, ¶12. The Borough had previously advised the Requester that as an alternative to paying duplication fees for the copies, he could schedule an appointment to inspect the responsive records in-person at Borough Hall. *Id.* at ¶17. However, the Johnson Attestation states that inspection would not eliminate all duplication fees as certain responsive paper records contain information that must be redacted under the RTKL. *Id.* at ¶¶18-19. The Borough reviewed and confirmed that 166 pages contain nonpublic information requiring redaction. *Id.* at ¶21. At a duplication rate of \$0.25 per page, the duplication cost attributable solely to the pages requiring redaction is \$41.50. *Id.* at ¶24.

An agency may deny access to public records where a requester has failed to pay fees incurred in response to a prior request for records. 65 P.S. § 67.901 (stating that “[a]ll applicable fees shall be paid in order to receive access to the record requested”); *see also Pa. Dep’t of Transp.*

v. Drack, 42 A.3d 355, 363 (Pa. Commw. Ct. 2012); *Brown v. Pa. Dep't of Corr.*, 2017 Pa. Commw. Unpub. LEXIS 920 (Pa. Commw. Ct. 2017). Here, the Borough argues that the Requester has not paid duplication fees in the amount of \$648.50 associated with RTKL requests from July of 2026, which, based upon the evidence presented and the itemized list of fees, is not in dispute. *See Pa. Game Comm'n v. Fennell*, 149 A.3d 101 (Pa. Commw. Ct. 2016) (holding that the OOR must consider uncontradicted statements within the appeal record). While the Requester appears to challenge the validity of these fees in this appeal, he does not present any evidence to show that these fees are not valid duplication fees associated with prior RTKL requests or that he has otherwise paid them. As a result, the Borough permissibly denied the Request.

For the foregoing reasons, the appeal is **denied**, and the Borough 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 Bucks 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 20, 2026

/s/ Meryl M. Peterman

MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

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

Sent via OOR E-file appeal portal to:

Raymond Hofelder
Travis Hunsberger, Esq.
Paula Johnson, AORO