



**FINAL DETERMINATION**

**IN THE MATTER OF**

**RYAN MESSNER,  
Requester**

**v.**

**CITY OF YORK,  
Respondent**

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**Docket No: AP 2026-4112**

On September 16, 2026, Ryan Messner (“Requester”) submitted a request (“Request”) to the City of York (“City”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking various rental records, permits, zoning records, and correspondence, pertaining to a specific property from February 1, 2026, to present.

The City did not respond within five business days of the Request; therefore, on September 23, 2026, the Request was deemed denied.<sup>1</sup> *See* 65 P.S. § 67.901. On September 24, 2026, the Requester appealed to the Office of Open Records (“OOR”), providing reasons for disclosure. 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).

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<sup>1</sup> On September 29, 2026, the Requester provided evidence that the City issued an untimely extension notice dated that same day.

On October 6, 2026, the City submitted a position statement in response to the appeal, asserting that it has now provided responsive City license records and complaints regarding the specified property as sought by the Request, attached with its appeal submission. The City further advised that it would be providing the remaining responsive records outside of the OOR's e-portal. That same day, the Requester submitted a verified position statement, arguing that the City's production of records is incomplete, and the City has not demonstrated that it has provided all responsive records to him in its possession, custody or control.

On October 14, 2026, the OOR sought additional clarification and evidence from the City concerning whether the City has provided all responsive records in its possession, custody or control. On October 15, 2026, the City provided 160 pages of additional responsive communications, and requested an extension to respond to the OOR's inquiry.

That same day, the OOR inquired with the Requester whether he had any objection to extending the final determination due date in order to allow the OOR to further develop the record, and to allow the Requester an opportunity to review the additional records recently provided. On October 16, 2026, the Requester objected to extending the final determination due date, asserting that even with the additional production of responsive communications, the City's production of records remains incomplete. On October 19, 2026, the OOR advised the parties that due to the Requester's objection, the OOR could not grant the City's extension request, and the record must remain closed.

Based upon my review of the appeal and the record before the OOR, I make the following conclusions of law and findings of fact:

- During the pendency of the appeal, the City provided responsive records to the Requester on October 6, 2026, and October 15, 2026. Accordingly, the appeal is moot in part.

- The City has not demonstrated that all responsive records have been provided. The City did not provide any evidence in the form of an affidavit or attestation statement to explain what records were searched, or how thorough that search was, or affirm that all responsive records were located and provided in its possession, custody or control. *See* 65 P.S. § 67.901 (“an agency shall make a good faith effort to determine if the record requested is a public record ... and whether the agency has possession, custody or control of the identified record”). Accordingly, the City has not established that it has provided all responsive records in its possession, custody or control.<sup>2</sup>

## CONCLUSION

For the foregoing reasons, the appeal is **granted in part** and **dismissed as moot in part**, and the City is required to conduct an additional search for all responsive records and provide any responsive records within thirty days. If additional responsive records do not exist, the City is required to provide the Requester with a detailed affidavit or attestation made under the penalty of perjury describing the search for responsive records and affirming their non-existence. 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 York 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 as per Section 1303 of the RTKL. 65 P.S. § 67.1303. However, 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. All documents or communications following the

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<sup>2</sup> The OOR, as finder of fact, is compelled to further explain its rationale for partially granting this appeal. The RTKL requires that the OOR issue a Final Determination within 30 days and states that the sole ability to grant an extension beyond that timeframe lies with the Requester. 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).”). Here, without more time, the OOR could not further supplement the record in any way.

issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto: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/ Tope L. Quadri*

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TOPE L. QUADRI  
APPEALS OFFICER

Sent via portal to: Ryan Messner  
Rebecca Houseman, AORO  
Brett Flower, Esq.