



FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
VICTOR VERNON, III,	:	
Requester	:	
	:	
v.	:	Docket No: AP 2026-4354
	:	(Consolidated with OOR Dkts.
PENNSYLVANIA HUMAN RELATIONS	:	AP 2026-4355 through AP 2026-4357)
COMMISSION,	:	
Respondent	:	

FACTUAL BACKGROUND

On August 31, 2026, Victor Vernon, III (“Requester”) submitted four requests (collectively, the “Requests”) to the Pennsylvania Human Relations Commission (“Commission”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking various records, including case files, correspondence, submissions, notices, findings and service records, and enclosure lists, regarding four identified case numbers.

On October 1, 2026, the Commission denied the Request, arguing that the requested records relate to noncriminal investigations. *See* 65 P.S. § 67.708(b)(17). Along with its final response, the Commission provided four affidavits, made subject to the penalty of perjury, from Debbie Walters (“Walters Affidavits”), the Commission’s Open Records Officer.

On October 5, 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 Commission to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On October 20, 2026, the Commission submitted position statements, reiterating the argument above, and reproduced copies of the Walters Affidavits in support of its argument.

Also on October 20, 2026, the Requester submitted position statements, stating that the dispute is not whether the Commission has the authority to investigate, but rather, the fact that the Commission has not shown that every responsive record is exempt from disclosure. The Requester further contends that the Walter Affidavits support the sufficiency of the Commission’s search for records but do not “provide an inventory or count of responsive records” to enable the Commission to distinguish routine administrative material, like cover pages, from investigative materials.

LEGAL ANALYSIS

The Commission is a Commonwealth agency subject to the RTKL, 65 P.S. § 67.301, and records in the possession of a Commonwealth 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.

Here, the Commission identified four separate investigative files regarding discrimination cases as the records responsive to the Requests. Walters Affidavits, p.1. Section 708(b)(17) of the RTKL exempts from disclosure “a record of an agency relating to a noncriminal investigation, including ... [i]nvestigative materials, notes, correspondence and reports...” and records that, if

¹ The Requester filed four separate appeals which were docketed as OOR Dkts. AP 2026-4354 through AP 2026-4357; however, because the appeals involve the same parties and similar issues, they are hereby consolidated into the appeal docketed as OOR Dkt. AP 2026-4354.

disclosed, would ... “[r]eveal the institution, progress or result of an agency investigation....” 65 P.S. § 67.708(b)(17)(ii), (vi)(A); *see also* 43 P.S. § 957(f) (empowering the Commission to “initiate, receive, investigate and pass upon complaints charging unlawful discriminatory practices”). The Walters Affidavits affirm that the case files and their contents relate to noncriminal investigations conducted by the Commission pursuant to its powers under the Pennsylvania Human Relations Act, *see* 43 P.S. § 959(a)-(b), and their disclosure would release discrimination complaints submitted to the Commission, along with the investigative materials, notes, correspondence, and reports related thereto. Walters Affidavits, pp. 1-2. While the Requester does not challenge the Commission’s authority to conduct the investigations or the sufficiency of the Commission’s search for records, he does dispute whether all the responsive records are investigative, noting the cover pages and other routine administrative materials should be disclosed. However, the Walters Affidavits confirm that the only responsive records are the contents of the relevant investigative case files, and demonstrates that those files are fully exempt. Therefore, based upon this evidence, as well as the undisputed statements contained within the evidentiary record, the Commission has met its burden of proving that the requested records are exempt from disclosure. 65 P.S. § 67.708(a)(1); *Pa. Game Comm’n v. Fennell*, 148 A.3d 101 (Pa. Commw. Ct. 2016) (holding that the OOR must consider uncontradicted statements contained in the appeal as evidence); *see also Oliver v. Pa. Human Relations Comm’n*, OOR Dkt. AP 2025-3447, 2026 PA O.O.R.D. LEXIS 342 (finding Commission investigative case files to be exempt under Section 708(b)(17) of the RTKL).

CONCLUSION

For the foregoing reasons, the appeal is **denied**, and the Commission 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 to the Commonwealth Court. 65 P.S. § 67.1301(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 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. 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: 21 October 2026

/s/ Joshua T. Young

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Victor Vernon, III;
Melissa A. Lovett, Esq. and Debbie Walters, AORO