



FINAL DETERMINATION

DATE ISSUED AND MAILED: October 22, 2026

IN RE: *Jonathan Harada v. Emmaus Borough*, OOR Dkt. AP 2026-4179

Upon review of the appeal¹ 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:

Additional responsive records do not exist. On October 8, 2026, Emmaus Borough (“Borough”) submitted a corrected second attestation authored by Shane Pepe (“Pepe Second Attestation”), the Borough’s Agency Open Records Officer (“AORO”), who attests that a search was conducted within the Borough’s records, which included a search within all inspection reports, letters, drawings, electronic databases and files pertaining to the Requester’s inspection. Pepe Second Attestation ¶ 3. Additionally, the Borough inquired with its Inspector, Brent Reed, who confirmed the responsive records provided to the Requester included the records within his file. *Id.* at ¶ 4. As a result of the Borough’s search, additional responsive records do exist in the Borough’s possession, custody or control. *Id.* at ¶ 5. Based upon this evidence, the Borough demonstrated that it conducted a good faith search for responsive records as required by 65 P.S. § 67.901 and, as a result of the search, no additional responsive records were located. Therefore, the Borough has met its burden of proof. *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For this reason, the Borough 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 Lehigh 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>.

Issued by:

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ., APPEALS OFFICER

Sent via portal only to: Jonathan Harada; Shane Pepe

¹ The Requester raises a number of arguments on appeal; however, in response to those arguments, the OOR notes that the Township’s search included an inquiry with Mr. Reed, the address typographical error was corrected in the Pepe Second Attestation and the RTKL request referenced by the Requester is in regard to a different address. Thus, the OOR does not find these arguments as indicative that additional records responsive to the instant Request exist.

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