



FINAL DETERMINATION

IN THE MATTER OF
RAYMOND HOFELDER,
Requester

v.

YARDLEY BOROUGH,
Respondent

:
:
:
:
:
:
:
:
:
:
:

Docket No: AP 2026-4440
(Consolidated with OOR Dkt.
Nos. AP 2026-4441 and AP
2026-4442)

FACTUAL BACKGROUND

On August 19 and September 16, 2026, Raymond Hofelder (“Requester”) submitted three separate requests (collectively, the “Requests”) to Yardley Borough (“Borough”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking various financial and other regarding a Borough construction project, the proposed “Earned Income Tax” and the Borough Civil Service Commission. On September 18, 2026, the Borough issued final responses, denying the Requests based upon the Requester’s failure to pay outstanding fees from earlier RTKL requests.¹

¹ The Borough invoked thirty-day extensions of time to respond to the Requests submitted on August 19, 2026; thus, making the final responses to those Requests timely.

On September 30, 2026, the Requester filed three appeals with the Office of Open Records (“OOR”), challenging the denials and stating grounds for disclosure.² 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).

On October 22, 2026, the Borough submitted a position statement, reiterating its grounds for denial, and an attestation, made subject to the penalties set forth in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), from Patricia Sargent (“Sargent Attestation”), a Financial Assistant with the Borough.³

The Requester submitted a position statement on the same day, arguing, among other things, that the Borough has failed to meet its burden of proof and applied “an improper blanket denial” based upon outstanding fees rather than conducting an individualized review of the Requests. Specifically, the Requester argues that the Borough has not established the alleged \$648.50 fee balance is valid.⁴ Finally, the Requester notes that the OOR should not rely upon its prior Final Determination(s) involving the same parties and arguments.

LEGAL ANALYSIS

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

² The appeals were docketed as OOR Dkts. AP 2026-4440 through AP 2026-4442. Because they involve the same parties and similar issues, the appeals were consolidated into the appeal docketed as OOR Dkt. AP 2026-4440 on October 14, 2026.

³ In her Attestation, Ms. Sargent attests that she regularly assists the Borough Manager and Open Records Officer, Paula Johnson, with processing RTKL requests, and, because Ms. Johnson was out of the office on a personal matter, executed the Sargent Attestation in her absence. Sargent Attestation, ¶¶ 2-3.

⁴ Notably, any challenge regarding the reasonableness of duplication fees imposed in earlier RTKL requests, which are not at issue in this appeal, is improper and will not be considered in this Final Determination.

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).

In this case, the Borough denied the Requests, arguing that the Requester owes the Borough outstanding duplication fees related to its production of records in response to at least fifteen prior RTKL requests submitted in July 2026. Sargent Attestation, ¶¶ 13-18. The Sargent 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, or that they must be similarly reproduced to allow for secure redaction. *Id.* at ¶¶ 19-21. Ms. Sargent further attests that 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; however, the Sargent Attestation confirms that inspection would not eliminate all outstanding duplication fees, as certain physical records had to be printed to enable the Borough to securely redact the records. *Id.* at ¶¶ 22-28.

Despite the Requester’s claims to the contrary, 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 prior RTKL requests, which, based upon the evidence presented, including the itemized lists of fees, is not in dispute. While the Requester suggests that the instant appeal is distinguishable from any prior appeal in which the OOR found that the Borough permissibly denied the Requester’s prior RTKL requests based upon non-payment of fees, *see Hofelder v.*

Yardley Borough, OOR Dkt. AP 2026-4229, 2026 PA O.O.R.D. LEXIS 4063, and cannot be considered, the Requester has not submitted any legal authority in support of his position, nor has he submitted evidence demonstrating that the outstanding fees were paid since the issuance of the decision.⁵ Accordingly, we find that the Borough permissibly denied the Requests for non-payment of fees.

CONCLUSION

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. 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: 23 October 2026

/s/ Joshua T. Young

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file appeal portal to: Raymond Hofelder;
Travis J. Hunsberger, Esq., and Paula Johnson, AORO

⁵ Insofar as the Requester argues that he should not be charged for records to be inspected in-person, even when removing this portion of the fee, the Borough has established that the Requester has an outstanding fee balance for records that had to be securely redacted.