pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 2, 2026

IN RE: *Michael Lombardo and Hourigan, Kluger & Quinn, P.C. v. Newport Township*, OOR Dkt. AP 2026-4044

On August 31, 2026, Michael Lombardo, Esq. and Hourigan, Kluger & Quinn, P.C. (collectively "Requester") submitted a request ("Request") to Newport Township ("Township") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*. The Township did not respond within five business days of receiving the Request, and the Request was, therefore, deemed denied on September 8, 2026. *See* 65 P.S. § 67.901. On September 21, 2026, the Requester filed an appeal with the Office of Open Records ("OOR").

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Township did not comply with the RTKL by timely responding to the Request, nor did it participate on appeal by submitting legal argument or evidence in support of withholding records.[1] Accordingly, the Township did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, the is required to provide the requested records to the Requester within thirty days, or, in the alternative, a sworn affidavit or a statement made under the penalty of perjury demonstrating that the records do not exist. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Luzerne 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/ *Erika Similo*

_____

ERIKA SIMILO
APPEALS OFFICER

Sent via OOR portal to: Michael Lombardo, Esq.; Joe Hillan

[1] OOR records show that the District logged into the OOR's e-filing portal and viewed the appeal docket.
[2] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).