pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 3, 2026

IN RE: *Madeline Strasser and Hogan Lovells v. Charleroi Borough*, OOR Dkt. AP 2026-4416

On September 10, 2026,[1] Madeline Strasser, Esq., and Hogan Lovells (collectively the "Requester"), submitted a request ("Request") to Charleroi Borough ("Borough") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*. The Borough did not respond within five business days of receiving the Request, and the Request was, therefore, deemed denied on September 17, 2026. 65 P.S. § 67.901. On October 7, 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 Borough did not comply with the RTKL by timely responding to the Request, nor did the Borough participate on appeal by submitting legal argument or evidence in support of withholding records.[2] Accordingly, the Borough did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, and the Borough 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 Washington 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.[3] 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*

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BANDY L. JAROSZ, ESQ., APPEALS OFFICER

Sent via portal only to: Madeline Strasser, Esq.; Joe Manning

[1] While the Request is dated September 9, 2026, the Request was transmitted via email outside of business hours. As a result, the Borough received the Request on the next business day, or September 10, 2026, in this instance.
[2] To date, the Borough has made no submission despite the provision of an evidentiary submission extension through October 30, 2026. Additionally, the Borough accessed the OOR's portal on October 23 and October 28, 2026.
[3] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).