pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 3, 2026

IN RE: *Ross Colket v. Pennsylvania Department of Corrections*, OOR Dkt. AP 2026-4655

Upon review of the appeal 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:

The records do not exist. On November 2, 2026, the Pennsylvania Department of Corrections ("DOC") submitted a sworn attestation made under the penalty of perjury from Kimberly Grant ("Grant Attestation"), the DOC's Deputy Agency Open Records Officer, who attests that a search was conducted and that no responsive records exist in the DOC's possession, custody or control. Ms. Grant contacted officials in the Division of Administrative Services and the Bureau of Facility Security, both of whom would have access to and knowledge of any existing responsive records. Grant Attestation, ¶¶ 5-6. Based upon this evidence, the DOC demonstrated that it conducted a good faith search for responsive records and did not locate any. Therefore, based on the evidence provided, the DOC 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 DOC 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 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 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.[1] 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/ Taylor T. Clark

TAYLOR T. CLARK, ESQ
APPEALS OFFICER

Sent to: Ross Colket (via mail)
Kelsy Kennedy, Esq. (via portal)
Harlee Cuomo, AORO (via portal)

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