

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
STEPHEN RUZBACKI,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4477**
	:	
PENNSYLVANIA DEPARTMENT OF	:	
HUMAN SERVICES,	:	
Respondent	:	

On August 31, 2026, Stephen Ruzbacki ("Requester") submitted a request ("Request") to the Pennsylvania Department of Human Services ("Department" or "DHS") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking twelve enumerated items all related to the licensed Assisted Living Residence known as Overlook Green from the time period of January 1, 2022, through December 31, 2023.

On October 8, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Department issued its final response, granting the Request in part and denying the Request in part. The Department provided the Requester with a copy of a provisional license and accompanying letter issued to Overlook Green on September 4, 2020, even though the records fell outside the time period in the Request. The Department stated it was providing these records in the interest of transparency. The remainder of the Request was denied as records relating to noncriminal investigations, 65 P.S. § 67.708(b)(17), as records containing personal identifying

information, 65 P.S. § 67.708(b)(6)(i)(A), and as records containing medical information and individually identifiable health information exempt under the Health Insurance Portability and Accountability Act (HIPAA), 65 P.S. § 708(b)(5), 45 C.F.R. §160.101 et al., 45 C.F.R. §162.100 et al.

On October 14, 2026, the Requester filed an appeal with the Office of Open Records ("OOR"). The OOR invited both parties to supplement the record and directed the Department 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 Department provided a position statement and supporting attestations from Theresa Hartman ("Hartman Attestation"), Director of the Bureau of Human Services Licensing, and Andrea Bankes ("Bankes Attestation"), Agency Open Records Officer ("AORO").

Based upon my review of the appeal and evidence, I make the following conclusions of law and findings of fact:

- The Department properly withheld responsive records as records relating to noncriminal investigations under 65 P.S. § 67.708(b)(17). *See* Hartman Attestation, ¶¶14-21.
- The Department provided a responsive record to the Requester in accordance with the limited exception in Section 708(b)(17)(vi)(A), by providing the provisional license and letter from September 4, 2020, even though it was outside the timeline of the Request. 65 P.S. § 67.708(b)(17)(vi)(A). Hartman Attestation, ¶¶29-31.
- As the Department has demonstrated that the responsive records are exempt noncriminal investigative records, the OOR need not reach the Department's

alternative grounds for denying access. *See Jamison v. Norristown Bor. Police Dept.*, OOR Dkt. AP 2011-1233, 2011 PA O.O.R.D. LEXIS 927.

For the foregoing reasons, the appeal is **denied** and the Department 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 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.

FINAL DETERMINATION ISSUED AND MAILED: November 4, 2026

/s/ Meryl M. Peterman

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MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Stephen Ruzbacki
Abigail T. Walsh, Esq.
Andrea Bankes (AORO)

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