Pennsylvania
Office of Open Records

Pennsylvania Office of Open Records
555 Walnut Street, Suite 605
Harrisburg, PA 17101-1925
717-346-9903 | openrecords.pa.gov

DATE ISSUED AND MAILED: **November 4, 2026**

IN RE: *Aidan Coleman and Hogan Lovells v. McKeesport City*, OOR Dkt. AP 2026-4471

On September 11, 2026, Aidan Coleman, Esq., and Hogan Lovells (collectively the "Requester") submitted a request ("Request") to McKeesport City ("City") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking budget related records. *See* Request. As the Requester did not receive the City's response within five business days of submitting the Request, the Requester filed an appeal with the Office of Open Records ("OOR") on October 9, 2026, claiming that the Request was deemed denied on September 18, 2026.

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

For this reason, the appeal is **granted**, and the City 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 Allegheny 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/ *Lyle Hartranft*

LYLE HARTRANFT, ESQ.
APPEALS OFFICER

Sent via OOR Portal to: Aiden Coleman, Esq.; J. Jason Elash, Esq., AORO

[1] Notably, the City accessed the OOR's portal on October 29, 2026.
[2] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).