pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 5, 2026

IN RE: *J. Chadwick Schnee v. Luzerne County Dist. Attorney's Office*; OOR Dkt. AP 2026-4726

On October 6, 2026, J. Chadwick Schnee, Esq. ("Requester") emailed a request ("Request") to the Luzerne County District Attorney's Office ("Office") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking, among other items, copies of all final determinations/orders issued by the Office's Appeals Officer. Having received no response from the Office, the Requester filed an appeal with the Office of Open Records ("OOR") on October 21, 2026, alleging the Request was deemed denied.[1]

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Office did not participate on appeal by raising grounds for withholding records, asserting that the requested record do not exist, or providing evidence in support of those arguments.[2] Accordingly, the Office did not meet its burden of proof under the RTKL. 65 P.S. § 67.305; *see also Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For this reason, the appeal is **granted**, the Office 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 Coutt 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. 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/ *Joshua T. Young*

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: J. Chadwick Schnee, Esq.; Carl Frank, Esq., AORO

[1] On appeal, the Requester only challenges the Office's failure to provide the final determinations and final orders of its Appeals Officer.
[2] The OOR provided the Office's Open Records Officer, Carl Frank, Esq., and Appeals Officer, Anthony Cardone, Esq., with access to the appeal documents on the OOR's e-file portal system. *See Right-to-Know Law & Records Requests | Luzerne County, PA* (last accessed November 4, 2026).