pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 6, 2026

IN RE: *J. Chadwick Schnee v. Mercer County Dist. Attorney's Office*; OOR Dkt. AP 2026-4773

On October 9, 2026, J. Chadwick Schnee, Esq. ("Requester") submitted a request ("Request") to the Mercer County District Attorney's Office ("Office") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking the identity of and contact information for the Appeals Officer designated by the Office, as well as copies of all final determinations/orders issued by the Appeals Officer. Having received no response from the Office, the Requester filed an appeal with the Office of Open Records ("OOR") on October 22, 2026, alleging the Request was deemed denied.

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, despite logging into the OOR's e-file portal system and viewing the appeal documents, the Office did not participate in the appeal by raising grounds for withholding records, asserting that the requested record do not exist, or providing evidence in support of those arguments. 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 Mercer 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. 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*

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JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

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