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

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 6, 2026

IN RE: *Brian Hoy v. Pine Creek Twp.,* OOR Dkt. AP 2026-4732

On October 13, 2026,[1] Brian Hoy ("Requester") submitted a request ("Request") to Pine Creek Township ("Township") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*. The Township did not respond within five business days of receiving the Request, and the Request was, therefore, deemed denied on October 20, 2026. 65 P.S. § 67.901. On October 21, 2026, the Requester filed an appeal with the Office of Open Records ("OOR").

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Township did not comply with the RTKL by timely responding to the Request, nor did the Township participate on appeal by submitting legal argument or evidence in support of withholding records.[2] Accordingly, the Township did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, the Township 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 Clinton 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.[3] 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/ *Kelly C. Isenberg*

KELLY C. ISENBERG, ESQ.
DEPUTY CHIEF COUNSEL

Sent via OOR E-file Portal to: Brian Hoy; Darlene Macklem, AORO

[1] The Request was submitted via email dated October 10, 2026, which was a Saturday and non-business day. Additionally, Monday October 12, 2026 was Columbus Day/Indigenous People's Day, a legal holiday. Therefore, the Request was deemed received by the Township on Tuesday, October 13, 2026.
[2] We note that the Township's Open Records Officer accessed OOR Appeal Portal docket for this matter on October 26, 2026, indicating that the Township was aware of the appeal.
[3] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).