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 10, 2026

IN RE: *Aidan Coleman and Hogan Lovells Cadwalader v. Mount Oliver Borough,*
OOR Dkt. AP 2026-4515

On September 14, 2026, Aidan Coleman and Hogan Lovells Cadwalader (collectively "Requester") submitted a request ("Request") to the Mount Oliver Borough ("Borough") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*. The Borough did not respond within five business days of receiving the Request, and the Request was, therefore, deemed denied on September 21, 2026. 65 P.S. § 67.901. On October 13, 2026,[1] 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 Borough did not comply with the RTKL by timely responding to the Request, nor did the Borough participate on appeal by submitting legal argument or evidence in support of withholding records.[2] Accordingly, the Borough did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, the Borough 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.[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/ *Julie Sodl*

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JULIE SODL, ESQ.
APPEALS OFFICER

Sent via E-File Portal to: Aidan Coleman; Sent via U.S. Mail to: Mount Oliver Borough

[1] The appeal was submitted to the OOR E-File Portal on October 12, 2026, but was accepted and filed on October 13, 2026, due to the submission occurring on the day in which the OOR was closed in observance of Indigenous People's Day.
[2] On October 13 and 27, 2026, OOR administrative staff contacted the Borough regarding the appeal and left messages. To date, there has been no response by the Borough.
[3] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).