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: *Max Neuman v. Luzerne Cnty. Dist. Atty's Off.,* OOR Dkt. AP 2026-4754

On October 2, 2026, Max Neuman ("Requester") submitted 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*. The Office denied the Request on October 5, 2026, claiming that if the responsive records were disclosed, they would likely jeopardize personal security and public or law enforcement safety, and, additionally, that the portion of the Request seeking financial records was misdirected. 65 P.S. §§ 67.901, 708(b)(1)(ii), 708(b)(2). On October 24, 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 Office did not comply with the RTKL by t submitting legal argument or evidence in support of withholding records. On November 6, 2026, the OOR issued correspondence to the Office, inquiring whether it intended to participate on appeal. A reply was due on November 9, 2026; however, to date the OOR has not received a response. Accordingly, the Office did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, and 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 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.[1] 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: Max Neuman; Michael J. Dubinski, AORO; Anthony Cardone, Esq.

[1] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).