pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
MELISSA BLANTON,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4658**
	:	
DORMONT BOROUGH,	:	
Respondent	:	

As the Appeals Officer assigned to this matter by the Office of Open Records ("OOR"), I have reviewed the appeal filed with the OOR, as well as the parties' submissions in support of their positions. Specifically, I have reviewed Dormont Borough's ("Borough") position statement, the responsive records provided to Requester on November 9, 2026, the attestation made under penalty of perjury[1] authored by John Stinner ("Stinner Attestation"), the Borough's Manager and Agency Open Records Officer ("AORO"), and the Requester's position statement, submitted November 9, 2026. Based upon my review of the appeal and necessary evidence, I make the following conclusions of law and findings of fact:

- The appeal is moot as to the records provided during the pendency of the appeal. The records provided during the appeal include the Pre-Application Scoping Form and the draft as-built plans.[2] As such, the appeal as to the records provided to the Requester during the pendency of

[1] 18 Pa. C.S. § 4904.
[2] *See* Stinner Attestation ¶¶ 13-16.

the appeal is dismissed as moot. *See Chester Water Auth. v. Pa. Dep't of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records, and thus, "the controversy has been mooted").

- The Borough met its burden of proving that no additional records responsive to the Request exist within its possession, custody or control. The Stinner Attestation demonstrates that AORO Stinner conducted a good faith search for responsive records within the Borough's electronic and physical files and the Borough's electronic databases, as well as inquiring with Kyle Brown, P.E. of Gateway Engineers. *See* Stinner Attestation ¶¶ 21-31. The Requester has not submitted sufficient, credible evidence to rebut the Stinner Attestation.[3] *See Pa. Dep't of Health v. Mahon*, 283 A.3d 929 (Pa. Commw. Ct. 2022). Therefore, based on the evidence provided and the Borough's outlined search parameters, the Borough has met its burden of proof that additional records responsive to the Request do not exist. *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For the foregoing reasons, the appeal is **denied in part,** and **dismissed as moot in part**, and the Borough is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to 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

[3] The Requester asserts that several requested records were not produced; however, the Borough has proven that no additional records exist. To the extent that the Requester asserts additional records *should* exist, there has been no evidence presented that additional records do, in fact, exist. The OOR makes no determinations as to whether additional records should exist, as our inquiry is limited to only whether records are "in existence and in possession of the … agency at the time of the right-to-know request." *Moore v. Off. of Open Records*, 992 A.3d 907, 909 (Pa. Commw. Ct. 2010); *see also* 65 P.S. § 67.705.

named as a party.[4] 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.

FINAL DETERMINATION ISSUED AND MAILED: November 13, 2026

/s/ Julie Sodl

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JULIE SODL, ESQ.
APPEALS OFFICER

Sent via e-file portal to: Melissa Blanton; Ashley J. Puchalski, Esq.; John Stinner, AORO

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