pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 17, 2026

IN RE: *Mary Anne Whitonis v. Luzerne County District Attorney's Office*, OOR Dkt. AP 2026-4796

Upon review of the appeal filed with the Office of Open Records ("OOR") to the above-referenced docket number, it is determined that the appeal is **DISMISSED:**

On November 9, 2026, the OOR issued an Order notifying Mary Anne Whitonis ("Requester") that the appeal was deficient because it failed to include a copy of a request made to the Luzerne County District Attorney's Office ("Office").[1] The OOR informed the Requester that the document was required to cure the deficiency and directed her to file a copy of the request by November 16, 2026, pursuant to 65 P.S. § 67.1303(b). However, to date, the Requester has failed to comply with the OOR's Order. Therefore, the appeal is not sufficient and without this document, the OOR does not have a complete record upon which to base its determination. Additionally, the OOR would be unable to present a complete record on appeal to an appellate court as required by Section 1303(b) of the RTKL. As the Requester has failed to comply with the OOR's Order, this matter is **dismissed**.

For this reason, the Office is not required to take any further action. 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. However, 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.[2] 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/ Blake Eilers
BLAKE EILERS, ESQ.
SENIOR APPEALS OFFICER

Delivered via e-file portal to: Mary Anne Whitonis; Athony Cardone

[1] The Requester seeks to appeal a request made to the Office on October 16, 2026; however, the appeal included a request directed to that was denied by Rice Township, dated September 6, 2026. The Township denied the request, arguing that records relate to a criminal investigation and notifying the Requester that she could appeal to the Office. The OOR has no jurisdiction over records that may relate to a criminal investigation in the possession of local agencies. 65 P.S. § 67.503(d)(2).
[2] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).