pennsylvania
OFFICE OF OPEN RECORDS

# FINAL DETERMINATION

DATE ISSUED AND MAILED: November 17, 2026

IN RE: *Debbie Behanna v. Monongahela City*, OOR Dkt. AP 2026-4653

On September 4, 2026, Debbie Behanna ("Requester") filed a request ("Request") with Monongahela City ("City") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*. On September 10, 2026, the City invoked a thirty-day extension to respond, 65 P.S. § 67.902(b), but when it failed to issue a final response by October 9, 2026, the Request was deemed denied. 65 P.S. § 67.902(b)(2). On October 19, 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 City did not comply with the RTKL by failing to issue a final response, nor did it participate on appeal by submitting legal argument or evidence in support of withholding records.[1] Accordingly, the City did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, and the City is required to produce the requested records within thirty days. Failure to comply with this Final Determination may result in the imposition of court costs, attorney fees, or civil penalties by a reviewing court. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Washington 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 OOR website at: http://openrecords.pa.gov.

Issued by:
/s/ *Blake Eilers*
SENIOR APPEALS OFFICER
BLAKE EILERS, ESQ.

Delivered via OOR e-file portal to: Debbie Behanna; Vorys, Sater, Seymour and Pease LLP

[1] OOR records reflect that the City logged on to the OOR's e-file portal and viewed the docket.
[2] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).