pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 20, 2026

IN RE: *J. Chadwick Schnee v. Sullivan County District Attorney's Office*; OOR Dkt. AP 2026-5018

On October 26, 2026, J. Chadwick Schnee, Esq. ("Requester") submitted a request ("Request") to the Sullivan County ("County") District Attorney's Office ("Office") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking copies of all final determinations/orders issued by the Office's Appeals Officer. Having received no response from the Office, the Requester filed an appeal with the Office of Open Records ("OOR") on November 5, 2026, alleging the Request was deemed denied. *See* 65 P.S. § 67.901.

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Office submitted unsworn correspondence from the County District Attorney, Julie Gavitt Shaffer, Esq., enclosing a copy of an email dated October 28, 2026 in which the Office's Open Records Officer, Jeffrey Mitchell, acknowledged receipt of the Request and stated that records responsive to the Request do not exist; however, the Office did not submit competent evidence in support of this assertion. Accordingly, the Office did not meet its burden of proof under the RTKL. 65 P.S. § 67.305; *see also Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For this reason, the appeal is **granted**, 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 Sullivan 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. 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/ *Joshua T. Young*

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JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: J. Chadwick Schnee, Esq.; Jeffrey Mitchell, AORO