

PETITION FOR RECONSIDERATION

DATE ISSUED AND MAILED: February 5, 2021

IN RE: *Simon Campell v. Pennsylvania Interscholastic Athletic Association, Inc.*,
OOR Dkt. AP 2020-2639

Upon review of the petition for reconsideration filed with the Office of Open Records (“OOR”) to the above-referenced docket number, for the reasons set forth below, it is determined that the petition is **DENIED**.

PIAA has filed for reconsideration, arguing the OOR erred by: 1) refusing to stay the appeal pending resolution of the PIAA suit in Commonwealth Court, 2) holding that PIAA was subject to the RTKL notwithstanding PIAA’s constitutional claims, 3) granting access to unredacted legal invoices, 4) ordering PIAA to produce a record that does not exist, and 5) not allowing PIAA additional time to produce the large volume of records at issue.

With respect to PIAA’s first claim, decisions on whether to stay proceedings are subject to the discretion of the tribunal, *City of Easton v. Marra*, 862 A.2d 170 (Pa. Commw. Ct. 2004) and may be appropriate where necessary to prevent a party’s rights from being unfairly prejudiced. *Id.* Here, PIAA’s rights have not been unfairly prejudiced because the claims made in the Commonwealth Court action may be pursued in an appeal of the OOR’s final determination. With respect to PIAA’s claim that it is not subject to the RTKL on constitutional grounds, PIAA expressly acknowledged that the OOR could not grant relief based on constitutional questions. Therefore, it appears that PIAA abandoned its constitutional claim. With respect to PIAA’s claim that the OOR erred by granting access to unredacted legal invoices, the OOR expressly noted that PIAA failed to proffer any evidence to support any redactions. With respect to PIAA’s claim that the OOR erred by ordering PIAA to disclose a record PIAA claimed did not exist, the OOR specifically noted PIAA’s evidence is support of this claim and expressly noted why this evidence was insufficient to meet PIAA’s burden of proof; issues of the weight and credibility are

left to the discretion of the appeals officer, and an abuse of discretion is not present in this matter. Finally, with respect to PIAA's claim that the OOR erred by not permitting PIAA additional time to produce records, the OOR expressly noted that PIAA did not request additional time pursuant to *Pa. State System of Higher Education (PASSHE) v. Association of Pa. State College and University Faculties (APSCUF)*, 142 A.3d 1023 (Pa. Commw. Ct. 2016).

Based on the foregoing, the reconsideration is denied.

Issued by:

[/s/ Charles Rees Brown](#)

CHIEF COUNSEL

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