



**pennsylvania**  
OFFICE OF OPEN RECORDS

**FINAL DETERMINATION**

<b>IN THE MATTER OF</b>	:	
	:	
<b>JACK WISOR,</b>	:	
<b>Requester</b>	:	
	:	
<b>v.</b>	:	<b>Docket No.: AP 2020-0525</b>
	:	
<b>LEHIGH COUNTY CORONER’S OFFICE,</b>	:	
<b>Respondent</b>	:	

On February 24, 2020, Jack Wisor (“Requester”) submitted a request (“Request”) to the Lehigh County Coroner’s Office (“Office”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking information regarding the deaths of homeless persons in Allentown during the prior five years. The Office did not respond within five business days of the Request, and Request was deemed denied on March 2, 2020. *See* 65 P.S. § 67.901.

On March 9, 2020, the Requester appealed to the OOR, challenging the deemed denial and stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the Office to notify any third parties of their ability to participate in this appeal. *See* 65 P.S. § 67.1101(c).

The Request specifically sought the number of homeless persons who have died in Allentown in the last five years due to “drug or alcohol overdoses,” “freezing (hypothermia),” “suicide,” “accidental deaths,” and “violence (gunshot, stabbed, beaten, etc.)” During the course

of the appeal, on March 16, 2020, Valerie Hildebeitel, Lehigh County's Open Records Officer, submitted an email communication, on behalf of the Office, indicating that the Office had provided the requested information to the Requester. Ms. Hildebeitel also stated that, based on a telephone discussion with the Requester's aide, the appeal should be withdrawn. Attached to the email communication was a chart listing the Homeless Deaths in Lehigh County from 2015 through 2019, broken down in the following categories: Total, Overdose, Hypothermia, Suicide, Accidental and Homicide.

The Requester was included on the March 16, 2020 email communication from the Office to the OOR. The OOR emailed the Requester on March 16 and March 17, 2020 to verify his receipt of the record. To date, the Requester has not responded to the OOR regarding a withdrawal of the appeal; however, he has not disputed that the Office provided responsive information.

Based on a plain reading of the Request, the Office has provided the responsive information. While the chart includes a death by "homicide" category, rather than a death by "violence" category, the Office made a reasonable interpretation of the Request by concluding that violent deaths by gunshot, stabbing and beating would equate to a "homicide" category. *See Spatz v. City of Reading*, OOR Dkt. AP 2013-0867, 2013 PA O.O.R.D. LEXIS 513; *Signature Info. Solutions, Inc. v. City of Warren*, OOR Dkt. AP 2012-0433, 2012 PA O.O.R.D. LEXIS 557 (An agency is permitted to make a reasonable interpretation of the meaning of a request for records). Accordingly, a review of the chart submitted by the Office and provided to the Requester demonstrates that it is responsive to the Request.

For the foregoing reasons, Requester's appeal is **dismissed as moot**, and the Office 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 Lehigh County Court of Common Pleas.<sup>1</sup> 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 as per Section 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.<sup>2</sup> This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED:** March 25, 2020

*/s/ Kelly C. Isenberg*

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KELLY C. ISENBERG, ESQ.  
APPEALS OFFICER

Sent to: Jack Wisor (via email only);  
Valerie Hildebeitel, AORO (via email only)

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<sup>1</sup> Regarding the deadlines in this section, note that the Supreme Court has suspended all time calculations and deadlines relevant to court cases or other judicial business through April 3, 2020. (See <http://www.pacourts.us/assets/files/page-1305/file-8634.pdf>, last accessed March 25, 2020).

<sup>2</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).