

**FINAL DETERMINATION**

DATE ISSUED AND MAILED: January 28, 2026

IN RE: *Mark Lazaran v. Fayette County Recorder of Deeds Office*; OOR Dkt. AP 2026-0152

On January 3, 2026, Mark Lazaran (“Requester”) emailed a request (“Request”) to the Fayette County Recorder of Deeds Office (“Recorder”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*<sup>1</sup> The Recorder did not respond within five business days of receiving the Request, and the Request was, therefore, deemed denied on or about January 10, 2026.<sup>2</sup> 65 P.S. § 67.901. On January 14, 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 Recorder did not comply with the RTKL by timely responding to the Request, nor did the Recorder participate on appeal by submitting legal argument or evidence in support of withholding records. Accordingly, the Recorder did not meet its burden of proof under the RTKL. 65 P.S. § 67.305.

For this reason, the appeal is **granted**, the Recorder 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 Fayette 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.<sup>3</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto: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  
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Mark Lazaran; AORO, Fayette County Recorder of Deeds Office

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<sup>1</sup> The Requester initially submitted the Request to a non-functional email address published on the Recorder’s website; however, on the same day, he retransmitted the Request to the County’s RTKL email account, which the Recorder’s website identifies as the email address to which RTKL requests for the Recorder should be sent. *See* <https://fayettecorecorderpa.gov/right-to-know-requests> (last accessed January 28, 2026).

<sup>2</sup> By correspondence dated January 13, 2026, the County Recorder of Deeds, Jon Marietta, Jr., responded to the Requester, stating that he had received the Request and that “[t]his item does not need to be handled through RTK requests as it is public record and handled through our office.” However, there was no response issued by the Recorder’s Open Records Officer and neither party notified the OOR that the appeal had been resolved.

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