

BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS

MATTHEW DAVID DOWLING,
Requester,

v.

**FAYETTE COUNTY OFFICE OF THE
RECORDER OF DEEDS,**
Agency.

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OOR Dkt. AP 2026-2429

REQUESTER'S POSITION STATEMENT IN SUPPORT OF APPEAL

I. INTRODUCTION

1. Requester, Matthew David Dowling ("Requester"), respectfully submits this Position Statement in support of the above-captioned appeal pending before the Pennsylvania Office of Open Records ("OOR") pursuant to the Pennsylvania Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101–67.3104.
2. This appeal arises from Requester's May 29, 2026 Right-to-Know Law request seeking records relating to the administration and operation of the Fayette County Office of the Recorder of Deeds and the Agency's June 9, 2026 Prepayment Notice requiring payment of duplication fees before inspection or production of responsive records. (Exhibits A, C, D, and H, Pages 2–12, Right-to-Know Request, Prepayment Email, Agency Acknowledgment/Extension Email, and Prepayment Notice.)
3. Requester timely appealed the Agency's response to the Pennsylvania Office of Open Records. (Exhibit G, Pages 13–14, Appeal of Prepayment Demand.)
4. During the pendency of this appeal, the Agency materially supplemented the present administrative record through its Position Statement, affidavits, and related evidentiary submissions. (Exhibits M–O, Pages 19–25, Agency Position Statement, Attestation, and Affidavit.)
5. Those supplemental submissions resolved or substantially narrowed several issues originally presented in the Notice of Appeal. After reviewing those submissions, Requester likewise narrowed the issues presented in this Position Statement.
6. Accordingly, only three limited questions remain before the Appeals Officer:

- i. Whether the Agency has established the factual basis supporting the challenged duplication assessment;
 - ii. Whether the Agency has established why documented electronic review and redaction methods could not reasonably be utilized; and
 - iii. Whether the Agency has established that it conducted a search reasonably calculated to identify all responsive records required by the RTKL.
7. Requester does not contend that the Agency acted in bad faith, that additional responsive records necessarily exist, or that electronic production is required in every circumstance.
8. Rather, Requester respectfully submits that the Agency has not met its burden of establishing, through the present administrative record, the factual basis supporting the challenged duplication assessment, the selected production methodology, or the adequacy of its search.
9. Accordingly, Requester respectfully requests that the Appeals Officer grant the limited procedural relief requested herein.

II. QUESTIONS PRESENTED

10. Whether the Agency has established the factual basis supporting the challenged duplication assessment.
11. Whether the Agency has established why documented electronic review and redaction methods could not reasonably be utilized.
12. Whether the Agency has established that it conducted a search reasonably calculated to identify all responsive records.
13. Requester respectfully submits that each question should be answered in the negative.

III. FACTUAL AND PROCEDURAL BACKGROUND

14. On May 29, 2026, Requester submitted a written request pursuant to the Pennsylvania Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101–67.3104, seeking records relating to the administration and operation of the Fayette County Office of the Recorder of Deeds. (Exhibit A, Pages 2–4, Right-to-Know Law Request.)

15. The request sought records concerning governmental communications, contracts, technology services, website administration, social media administration, procurement activities, public outreach, and other governmental functions identified within the request. Requester further requested electronic production where practicable and inspection where appropriate under the RTKL. (Exhibit A, Pages 2–4, Right-to-Know Law Request.)
16. The Agency acknowledged receipt of the request and invoked the statutory extension authorized by Section 902 of the RTKL, 65 P.S. § 67.902. (Exhibit D, Pages 8–11, Agency Acknowledgment / Section 902 Extension Notice.)
17. On June 9, 2026, the Agency issued a Prepayment Notice advising that approximately 860 responsive pages had been identified, that approximately 775 pages required redaction before disclosure, and requiring prepayment before inspection or production. (Exhibit H, Page 12, Prepayment Notice.)
18. Requester timely appealed the Agency's response to the Pennsylvania Office of Open Records. (Exhibit G, Pages 13–14, Appeal of Prepayment Demand.)
19. Following commencement of the appeal, the Agency materially supplemented the present administrative record through its Position Statement, affidavits, and related evidentiary submissions. (Exhibits M–O, Pages 19–25, Agency Position Statement, Attestation, and Affidavit.)
20. Those supplemental submissions significantly clarified the administrative record and resolved or substantially narrowed several issues originally identified in the Notice of Appeal. (Exhibits M–O, Pages 19–25, Agency Position Statement, Attestation, and Affidavit.)
21. After reviewing those supplemental submissions, Requester likewise narrowed the issues presented in this Position Statement and no longer challenges matters adequately established through competent evidence.
22. Accordingly, the remaining issues concern only whether the present administrative record establishes, through competent evidence, the factual basis supporting the challenged duplication assessment, the production methodology employed, and the adequacy of the Agency's search.

IV. STANDARD OF REVIEW

23. The Pennsylvania Right-to-Know Law places the burden upon the Agency to establish that its response complies with the requirements of the Act. Where an agency relies upon fee assessments, search methodology, affidavits, or other factual assertions challenged on appeal, the Agency bears the burden of establishing those matters through competent evidence contained within the administrative record. See *Bowling v. Office of Open Records*, 990 A.2d 813 (Pa. Cmwlth. 2010), *aff'd*, 75 A.3d 453 (Pa. 2013).

The Commonwealth Court has likewise recognized that duplication fees must correspond to records actually provided rather than an agency's internal review process. See *Pennsylvania Department of Education v. Bagwell*, 131 A.3d 638 (Pa. Cmwlth. 2016).

24. Appeals before the Pennsylvania Office of Open Records are decided upon the administrative record developed by the parties. That record may include the RTKL request, the Agency's response, affidavits, position statements, exhibits, and any additional materials properly submitted during the appeal.

25. Agency affidavits may constitute competent evidence where they are detailed, non-conclusory, made in good faith, and based upon the personal knowledge of the affiant. See *Sherry v. Radnor Township School District*, 20 A.3d 515 (Pa. Cmwlth. 2011).

26. Requester acknowledges that the Agency materially supplemented the present administrative record during the pendency of this appeal through affidavits, its Position Statement, and related evidentiary submissions. (Exhibits M–O, Pages 19–25, Agency Position Statement, Attestation, and Affidavit.)

27. Requester likewise narrowed the issues presented in this Position Statement and no longer challenges matters adequately established through competent evidence.

28. Accordingly, the Appeals Officer need not determine whether the Agency acted improperly or in bad faith. Rather, the remaining issues are resolved by determining whether the present administrative record satisfies the Agency's statutory burden of proof with respect to those limited evidentiary questions.

V. SCOPE OF THE REMAINING ISSUES

29. The Notice of Appeal challenged multiple aspects of the Agency's response based upon the information available to Requester at the time the appeal was filed. (Exhibit G, Pages 13–14, Appeal of Prepayment Demand.)
30. During the pendency of this appeal, the Agency supplemented the present administrative record through affidavits, its Position Statement, and related evidentiary submissions. (Exhibits M–O, Pages 19–25, Agency Position Statement, Attestation, and Affidavit.)
31. Those submissions substantially clarified the factual record and resolved several issues originally identified in the Notice of Appeal.
32. Accordingly, this Position Statement does not ask the Appeals Officer to revisit every issue raised in the original Notice of Appeal. Instead, Requester respectfully limits this appeal to three discrete evidentiary questions identified herein.
33. Requester respectfully submits that this narrowing of the issues promotes judicial economy, focuses the appeal upon the questions genuinely remaining in dispute, and assists the Appeals Officer in resolving the appeal based solely upon the present administrative record.

VI. ARGUMENT

1. THE AGENCY HAS NOT ESTABLISHED THAT THE CHALLENGED DUPLICATION ASSESSMENT WAS REASONABLY NECESSARY

2. Applicable Legal Principle

- i. Section 1307 of the Pennsylvania Right-to-Know Law ("RTKL"), 65 P.S. § 67.1307, authorizes agencies to recover reasonable duplication fees established by the Pennsylvania Office of Open Records. Requester does not dispute the Agency's authority to recover lawful duplication costs where those costs are authorized by the RTKL and supported by competent evidence.

Requester likewise does not dispute the Agency's authority under Section 1307(h) to require prepayment where a lawful fee estimate has been established. The remaining issue is whether the present record establishes the factual basis supporting the amount of that estimate.

ii. Sections 1307(e) and 1307(g), 65 P.S. § 67.1307(e), (g), further provide that where records are maintained electronically, duplication fees are limited to the lesser applicable cost and agencies may not charge requesters for reviewing records to determine whether they are accessible public records.

- ii. The burden remains upon the Agency to establish the factual basis supporting the assessment imposed in response to Requester's RTKL request. See *Bowling v. Office of Open Records*, 990 A.2d 813 (Pa. Cmwlth. 2010), *aff'd*, 75 A.3d 453 (Pa. 2013).

The Commonwealth Court has likewise recognized that duplication fees must correspond to records actually provided rather than an agency's internal review process. See *Pennsylvania Department of Education v. Bagwell*, 131 A.3d 638 (Pa. Cmwlth. 2016).

- iii. Accordingly, the issue before the Appeals Officer is not whether duplication fees may ever be imposed. Rather, the question is whether the present administrative record establishes, through competent evidence, that the challenged duplication assessment was reasonably necessary under the circumstances presented.

3. What the Administrative Record Establishes

- i. The present administrative record establishes that the Agency identified approximately 860 responsive pages and determined that approximately 775 pages required review and redaction before disclosure. (Exhibit H, Page 12, Prepayment Notice.)
- ii. The record further establishes that the Agency required prepayment of duplication costs before permitting inspection or production of the requested records. (Exhibit H, Page 12, Prepayment Notice.)
- iii. During the pendency of this appeal, the Agency supplemented the present administrative record through affidavits describing the procedures employed in locating, reviewing, and preparing responsive records for disclosure. (Exhibits M–O, Pages 19–25, Agency Position Statement, Attestation, and Affidavit.)
- iv. Those affidavits establish that Agency personnel reviewed responsive records and undertook efforts to determine which records required

redaction before production. (Exhibits N–O, Pages 22–24, Agency Attestation and Affidavit.)

4. What the Administrative Record Does Not Presently Establish

- i. Although the Agency's affidavits establish that responsive records were identified and reviewed, they do not presently establish why duplication of approximately 775 pages was reasonably necessary before completion of the review process.
- ii. The present administrative record does not establish whether the responsive records originally existed in electronic form, paper form, or a combination of both.

Although the Agency asserts that responsive records are maintained in paper form, the present record does not explain whether all requested categories—including emails, website administration records, electronic communications, and social media records—were evaluated before reaching that conclusion.

- iii. Likewise, the present administrative record does not establish whether electronic review was considered for any category of responsive records before paper duplication was undertaken.
- iv. Nor does the present administrative record establish whether a mixed production methodology utilizing both electronic review and paper review was evaluated before the challenged duplication assessment was imposed.
- v. The Agency likewise has not identified any technological limitation requiring exclusive reliance upon manual duplication for every record requiring review.

5. Why the Remaining Evidentiary Gap Matters

- i. The challenged duplication assessment is substantial. Consequently, the Agency bears the burden of demonstrating not merely that duplication occurred, but why the quantity of duplication reflected in the assessment was reasonably necessary under the circumstances presented.
- ii. Requester does not contend that electronic review would necessarily have been appropriate for every responsive record.
- iii. Nor does Requester contend that the Agency was prohibited from assessing lawful duplication costs where reasonably necessary.

- iv. Instead, Requester respectfully submits that the present administrative record does not establish why the challenged duplication assessment represented the reasonably necessary method of reviewing and preparing the responsive records for disclosure.
- v. Because the RTKL places the burden of proof upon the Agency, those unanswered factual questions cannot be resolved through inference or assumption.

6. Requested Determination

- i. Accordingly, Requester respectfully requests that the Appeals Officer conclude that the present administrative record does not establish, through competent evidence, that the challenged duplication assessment was reasonably necessary under Section 1307 of the Pennsylvania Right-to-Know Law, 65 P.S. § 67.1307.

VII. THE AGENCY HAS NOT ESTABLISHED WHY DOCUMENTED ELECTRONIC REVIEW AND REDACTION METHODS COULD NOT REASONABLY BE UTILIZED

1. Applicable Legal Principle

- i. The Pennsylvania Right-to-Know Law does not require every responsive record to be reviewed or produced electronically. Likewise, nothing within the RTKL prohibits an agency from utilizing paper records where appropriate. See 65 P.S. §§ 67.701, 67.702, and 67.706.
- ii. Accordingly, the issue before the Appeals Officer is not whether electronic review is mandatory. Rather, the issue is whether the Agency has established, through competent evidence, why documented electronic review and redaction methods could not reasonably have been utilized for any category of responsive records responsive to Requester's RTKL request.

2. What the Administrative Record Establishes

- i. i. The Agency's own publicly available Right-to-Know portal demonstrates that it has previously published electronically redacted PDF productions and other RTKL responses electronically. (Exhibit A, Pages 3–4, Request expressly seeking electronic records; see also Agency website RTKL portal referenced in Request.)

ii. The Recorder of Deeds Office also publicly represents that recorded documents are scanned and indexed into its computer system and maintains an online RTKL portal for electronic dissemination of records. These publicly described practices are consistent with the existence of documented electronic review and publication capabilities.

- ii. i. The Agency's own publicly available Right-to-Know portal demonstrates that it has previously published electronically redacted PDF productions and other RTKL responses electronically. (Exhibit A, Pages 3–4, Request expressly seeking electronic records; see also Agency website RTKL portal referenced in Request.)

ii. The Recorder of Deeds Office also publicly represents that recorded documents are scanned and indexed into its computer system and maintains an online RTKL portal for electronic dissemination of records. These publicly described practices are consistent with the existence of documented electronic review and publication capabilities.

- iii. The Agency's affidavits further establish that responsive records were reviewed before disclosure and that Agency personnel undertook efforts to prepare those records for production. (Exhibits N–O, Pages 22–24, Agency Attestation and Affidavit.)

3. What the Administrative Record Does Not Presently Establish

- i. Although the present administrative record demonstrates that electronic review has previously been utilized by the Agency, it does not establish whether electronic review was considered for any category of responsive records responsive to the present request.
- ii. Likewise, the present administrative record does not establish whether a combination of electronic review and paper review was evaluated before the challenged duplication assessment was imposed.
- iii. The present administrative record does not identify any technological limitation preventing electronic review or electronic redaction of records maintained in electronic form.
- iv. Nor does the present administrative record explain why documented electronic-redaction practices previously utilized by the Agency could not reasonably have been employed in responding to the present request.

4. Why the Remaining Evidentiary Gap Matters

- i. Requester does not contend that electronic production is mandatory in every circumstance.
 - ii. Likewise, Requester does not contend that every responsive record necessarily could have been reviewed or produced electronically.
 - iii. Rather, the Agency's documented ability to review and redact records electronically makes the absence of any explanation concerning the methodology selected in this matter relevant to the Agency's burden of proof.
 - iv. Capability alone does not create an obligation. However, once the evidentiary record establishes that a particular review methodology is available and has previously been utilized, the Appeals Officer may reasonably consider whether the present administrative record explains why that methodology was not employed, either in whole or in part, in responding to the RTKL request at issue.
- v. Although the Agency asserts that the responsive records in this request are maintained in paper format (Exhibits M–O, Pages 19–25), the present administrative record does not explain why electronic review methods demonstrably utilized by the Agency in other RTKL matters could not reasonably have been employed, in whole or in part, for categories of records such as emails, website administration records, social media records, or other electronically maintained information identified in Requester's RTKL request (Exhibit A, Pages 2–4).
- v. That question is significant because the production methodology selected directly affects the factual basis supporting the challenged duplication assessment.

5. Requested Determination

- i. Accordingly, Requester respectfully requests that the Appeals Officer conclude that the present administrative record does not establish, through competent evidence, why documented electronic review and redaction methods could not reasonably have been utilized for any category of responsive records in responding to the RTKL request.

VIII. THE AGENCY HAS NOT ESTABLISHED THAT IT CONDUCTED A SEARCH REASONABLY CALCULATED TO IDENTIFY ALL RESPONSIVE RECORDS

1. Applicable Legal Principle

- i. The Pennsylvania Right-to-Know Law requires an agency to make a good-faith effort to determine whether responsive records exist and to conduct a search reasonably calculated to identify records responsive to a request. The RTKL does not require an agency to search every conceivable repository or guarantee that every responsive record will be located. See *Hodges v. Pennsylvania Department of Health*, 29 A.3d 1190 (Pa. Cmwlth. 2011).
- ii. Accordingly, the issue before the Appeals Officer is not whether every possible location should have been searched. Rather, the question is whether the present administrative record establishes, through competent evidence, that the search actually conducted was reasonably calculated to identify all responsive records required by the RTKL.

2. Search Methodology

i. What the Administrative Record Establishes

- A. The Agency's affidavits establish that Agency personnel undertook efforts to identify, review, and prepare responsive records for disclosure. (Exhibits N–O, Pages 22–24, Agency Attestation and Affidavit.)
- ii. Those submissions further establish that responsive records were identified and evaluated before the Agency issued its response to Requester. (Exhibits M–O, Pages 19–25, Agency Position Statement, Attestation, and Affidavit.)

3. What the Administrative Record Does Not Presently Establish

- i. The present administrative record does not establish, with specificity, every repository examined before the Agency concluded that its search was complete.
- ii. Likewise, the present administrative record does not establish the search methodology employed, including whether searches were conducted using custodians, subject matter, keywords, date ranges, project files, or other objective search criteria.

4. Why the Remaining Evidentiary Gap Matters

- i. Requester does not contend that every conceivable repository must be searched in every Right-to-Know Law request.
- ii. Rather, the Agency bears the burden of demonstrating that the search actually conducted was reasonably calculated to identify responsive records under the circumstances presented.

5. Electronic Repositories

i. What the Administrative Record Establishes

- A. The RTKL request sought records concerning governmental communications, contracts, technology services, website administration, procurement activities, public outreach, social media administration, and related governmental functions. (Exhibit A, Pages 2–4, Right-to-Know Law Request.)

ii. What the Administrative Record Does Not Presently Establish

- A. The present administrative record does not establish whether archived electronic records, shared network drives, electronic mail systems, cloud-based storage, document management systems, website administration platforms, or similar electronic repositories were evaluated where responsive records reasonably could exist.
- B. Nor does the present administrative record establish whether electronically maintained records were evaluated separately from records maintained solely in paper form.

iii. Why the Remaining Evidentiary Gap Matters

- A. Modern governmental operations routinely generate records across multiple electronic systems. While the RTKL does not require every conceivable repository to be searched, the evidentiary record should establish that repositories reasonably likely to contain responsive records were considered during the Agency's search.

IX. Records Maintained Pursuant to Section 506(d)

1. Applicable Legal Principle

- i. Section 506(d) of the Pennsylvania Right-to-Know Law, 65 P.S. § 67.506(d), provides that records directly relating to governmental functions performed on behalf of an agency remain public records even when maintained by a contractor performing those governmental functions. See also *Allegheny County Department of Administrative Services v. A Second Chance, Inc.*, 13 A.3d 1025 (Pa. Cmwlth. 2011).

2. What the Administrative Record Does Not Presently Establish

- i. Requester does not contend that contractor-maintained responsive records necessarily exist.
- ii. Rather, the present administrative record does not establish whether records maintained by contractors, consultants, website administrators, technology vendors, cloud-service providers, or other entities performing governmental functions on behalf of the Agency were evaluated where Section 506(d) may be applicable.

3. Why the Remaining Evidentiary Gap Matters

- i. Where governmental functions are performed through third parties acting on behalf of an agency, Section 506(d) extends the definition of a public record to qualifying records maintained outside the Agency's physical possession. Accordingly, the evidentiary record should establish whether those repositories were considered where appropriate under the circumstances presented.

X. Website Administration and Technology Services

1. What the Administrative Record Establishes

- i. Requester's RTKL request expressly sought records relating to website administration, technology services, electronic communications, and related governmental functions. (Exhibit A, Pages 2–4, Right-to-Know Law Request.)

2. What the Administrative Record Does Not Presently Establish

- i. The present administrative record does not establish whether repositories associated with those governmental functions were evaluated during the Agency's search.
- ii. Likewise, the present administrative record does not presently identify the custodians responsible for those systems or whether those custodians participated in the search for responsive records.

3. Why the Remaining Evidentiary Gap Matters

- i. Requester does not contend that every technology provider necessarily maintains responsive records. However, because the request expressly sought records concerning website administration and technology services, the evidentiary record should establish whether repositories associated with those governmental functions were considered where appropriate.

XI. Sufficiency of the Agency's Affidavits

1. What the Administrative Record Establishes

- i. The Agency's affidavits establish that responsive records were identified, reviewed, and prepared for disclosure. (Exhibits N–O, Pages 22–24, Agency Attestation and Affidavit.)
- ii. The affidavits further establish that Agency personnel devoted time and effort to responding to the RTKL request. (Exhibits N–O, Pages 22–24, Agency Attestation and Affidavit.)

2. What the Administrative Record Does Not Presently Establish

- i. The present administrative record does not establish, with sufficient specificity, the repositories searched, the custodians consulted, the search methodology employed, or whether repositories associated with Section 506(d) governmental functions were evaluated where applicable.

3. Why the Remaining Evidentiary Gap Matters

- i. Requester does not contend that the Agency failed to conduct a search.
- ii. Rather, Requester respectfully submits that the present administrative record does not establish, through competent evidence, that the search

actually conducted was reasonably calculated to identify all responsive records required by the Pennsylvania Right-to-Know Law.

4. Requested Determination

- i. Accordingly, Requester respectfully requests that the Appeals Officer conclude that the present administrative record does not establish, through competent evidence, that the Agency conducted a search reasonably calculated to identify all responsive records required by the Pennsylvania Right-to-Know Law.

XII. CONCLUSION

1. During the pendency of this appeal, the Agency materially supplemented the present administrative record through its Position Statement, affidavits, and related evidentiary submissions. (Exhibits M-O, Pages 19–25, Agency Position Statement, Attestation, and Affidavit.)
2. Those supplemental submissions substantially clarified the administrative record and resolved several issues originally identified in Requester's Notice of Appeal.
3. After reviewing those supplemental submissions, Requester likewise narrowed the issues presented in this Position Statement. Accordingly, this appeal no longer challenges matters adequately established through competent evidence and instead focuses only upon the remaining evidentiary questions presented by the present administrative record.
4. The remaining issues do not concern whether the Agency identified responsive records, conducted a review, or acted in bad faith. Rather, the remaining issues concern whether the present administrative record establishes, through competent evidence, the factual basis supporting the challenged duplication assessment, the production methodology employed, and the adequacy of the Agency's search for responsive records.
5. The Pennsylvania Right-to-Know Law places the burden of proof upon the Agency. See *Bowling v. Office of Open Records*, 990 A.2d 813 (Pa. Cmwlth. 2010), *aff'd*, 75 A.3d 453 (Pa. 2013).

The Commonwealth Court has likewise recognized that duplication fees must correspond to records actually provided rather than an agency's internal review process. See *Pennsylvania Department of Education v. Bagwell*, 131 A.3d 638 (Pa. Cmwlth. 2016).

6. The present administrative record establishes that responsive records were identified and reviewed before disclosure. (Exhibits H and M-O, Pages 12 and 19–25, Prepayment Notice, Agency Position Statement, Attestation, and Affidavit.)
7. The present administrative record does not establish why the challenged duplication assessment was reasonably necessary under the circumstances presented.
8. Likewise, the present administrative record does not establish why documented electronic review and redaction methods could not reasonably have been utilized for any category of responsive records.
9. Finally, the present administrative record does not establish that the Agency conducted a search reasonably calculated to identify all responsive records required by the Pennsylvania Right-to-Know Law, including records subject to Section 506(d), where applicable.
10. Because the Agency bears the statutory burden of proof, those remaining evidentiary questions cannot be resolved through inference or assumption.
11. Accordingly, Requester respectfully submits that the limited relief requested herein should be granted.

XIII. PRAYER FOR RELIEF

1. WHEREFORE, based upon the foregoing, Requester respectfully requests that the Appeals Officer enter a Final Determination:
 - A. Concluding that the present administrative record does not establish, through competent evidence, that the challenged duplication assessment was reasonably necessary under Section 1307 of the Pennsylvania Right-to-Know Law, 65 P.S. § 67.1307.
 - B. Concluding that the present administrative record does not establish, through competent evidence, why documented electronic review and redaction methods could not reasonably have been utilized in responding to Requester's RTKL request.

- C. Concluding that the present administrative record does not establish, through competent evidence, that the Agency conducted a search reasonably calculated to identify all responsive records required by the Pennsylvania Right-to-Know Law.
- D. Directing such supplemental affidavits, evidentiary submissions, supplemental searches, or additional proceedings as the Appeals Officer determines are appropriate and authorized under the Pennsylvania Right-to-Know Law.
- E. Awarding such additional procedural relief as the Appeals Officer determines is authorized under the Pennsylvania Right-to-Know Law.
- F.
- G. Granting such other and further relief as the Appeals Officer deems just, proper, and authorized under the Pennsylvania Right-to-Know Law.

XIV. NATURE OF THE REQUESTED RELIEF

1. The relief requested in this appeal is intentionally narrow and procedural in nature.
2. Requester does not seek a determination that the Agency acted in bad faith.
3. Requester does not seek a determination that additional responsive records necessarily exist.
4. Requester does not seek a determination that the Agency lacked authority to recover duplication fees authorized by the Pennsylvania Right-to-Know Law.
5. Requester likewise does not challenge the Agency's authority to redact records or portions of records exempt from disclosure under the RTKL.
6. Rather, Requester respectfully seeks only a determination that the present administrative record does not establish, through competent evidence, the factual basis supporting the challenged duplication assessment, the production methodology employed, and the adequacy of the Agency's search.
7. Such relief is procedural rather than punitive. It would neither invalidate the Agency's response nor prevent the Agency from supplementing the administrative record where appropriate and authorized under the Pennsylvania Right-to-Know Law.

8. Instead, the requested relief would ensure that the Final Determination rests upon competent evidence and remains consistent with the burden imposed by the Pennsylvania Right-to-Know Law.
9. Requester respectfully submits that the limited relief requested is fully consistent with both the language and the transparency objectives of the Pennsylvania Right-to-Know Law.

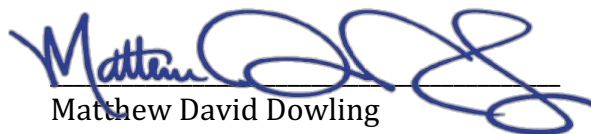
XV. GOOD-FAITH NATURE OF THE APPEAL

1. Requester recognizes that responding to broad Right-to-Know Law requests frequently requires agencies to identify responsive records, review those records for exempt information, protect confidential information, and prepare records for public disclosure.
2. Nothing contained within this Position Statement should be construed as minimizing those responsibilities.
3. Likewise, nothing contained herein should be construed as questioning the professionalism, integrity, or good faith of the Agency or its employees.
4. During the pendency of this appeal, the Agency materially supplemented the present administrative record through affidavits, its Position Statement, and related evidentiary submissions. (Exhibits M–O, Pages 19–25, Agency Position Statement, Attestation, and Affidavit.)
5. Those submissions resolved or substantially narrowed several issues originally raised in Requester's Notice of Appeal.
6. After reviewing those supplemental submissions, Requester likewise narrowed the issues presented in this Position Statement and discontinued arguments that were adequately addressed through competent evidence.
7. Accordingly, the remaining issues concern only whether the present administrative record satisfies the Agency's statutory burden of proof with respect to the limited evidentiary questions identified herein.
8. Requester respectfully submits this Position Statement in that same spirit and with the goal of assisting the Appeals Officer in resolving the remaining issues based solely upon the evidentiary record.

XVI. RESERVATION OF RIGHTS

1. Requester respectfully reserves the right to supplement, amend, or clarify this Position Statement should additional evidence, affidavits, legal authority, or directives from the Appeals Officer become part of the present administrative record during the pendency of this appeal.
2. Nothing contained herein shall be construed as a waiver of any argument, objection, claim, or remedy available to Requester under the Pennsylvania Right-to-Know Law or any other applicable provision of law.

Respectfully submitted,



Matthew David Dowling
Requester, Pro Se
273 Krulock Road
Uniontown, Pennsylvania 15401
Telephone: (724) 322-6577
Email: Matthew@AmplifyPA.com

2026-07-09
Date

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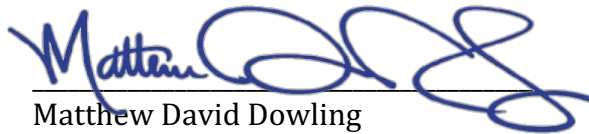
VERIFICATION

I, Matthew David Dowling, verify that I am the Requester in the above-captioned matter and that the factual statements contained in the foregoing Requester's Position Statement in Support of Appeal are true and correct to the best of my knowledge, information, and belief.

I further verify that the legal arguments presented herein are made in good faith based upon the present administrative record before the Pennsylvania Office of Open Records and applicable provisions of the Pennsylvania Right-to-Know Law.

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Respectfully submitted,



Matthew David Dowling
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Uniontown, Pennsylvania 15401
Telephone: (724) 322-6577
Email: Matthew@AmplifyPA.com

2026-07-09
Date

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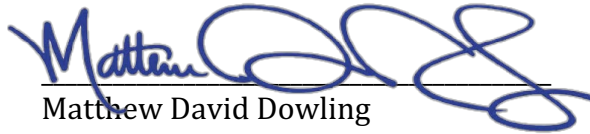
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CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of July, 2026, a true and correct copy of the foregoing Requester's Position Statement in Support of Appeal, together with all attached exhibits, was served upon all parties of record through the Pennsylvania Office of Open Records electronic filing system and by any additional method required by law or Order of the Appeals Officer.

Respectfully submitted,



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2026-07-09

Date

XV. EXHIBIT INDEX

EXHIBITS

Exhibit A – Right-to-Know Request (Pages 2–4).

Exhibit B – Appeal of Prepayment Demand (Page 5).

Exhibit C – Prepayment Notice Email / Fayette RTK Email (Pages 6–7).

Exhibit D – Agency Acknowledgment and Section 902 Extension / Transmittal Email (Pages 8–11).

Exhibit E – Original RTKL Submission Email / Related Email Chain (Pages 9–11).

Exhibit G – Appeal of Prepayment Demand / Requester Appeal Filing (Pages 13–14).

Exhibit H – Right-to-Know Request Prepayment Notice (Page 12).

Exhibit I – OOR Notice of Deadlines (Page 15).

Exhibit J – Official Notice of Appeal (Page 16).

Exhibit K – June 25 OOR Letter / Submission Deadline Extension (Page 17).

Exhibit L – Request to Participate, Jon Marietta (Page 18).

Exhibit M – Agency Response and Position Statement (Page 19).

Exhibit N – Attestation of Jon R. Marietta Jr. (Page 22).

Exhibit O – Affidavit of Jon R. Marietta Jr. (Page 24).

Exhibit P – Requester Agreement to 30-Day Extension (Page 25).

Note: The attached exhibit packet reviewed does not contain separate exhibits for prior electronically redacted Right-to-Know productions, website administration records, technology services records, or search methodology correspondence. Any remaining references to those materials should be supplemented before filing if those documents are intended to be relied upon. Requester reserves the right to supplement this Exhibit Index should additional materials become part of the administrative record during the pendency of this appeal.

BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS

MATTHEW DAVID DOWLING,

Requester,

v.

FAYETTE COUNTY OFFICE OF THE

RECORDER OF DEEDS,

Agency.

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EXHIBIT APPENDIX

Requester's Exhibit Packet

OOR Docket No. AP 2026-2429

Respectfully Submitted,



MATTHEW DAVID DOWLING

Open Records Officer
Fayette County Courthouse
61 East Main Street
Uniontown PA 15401

Email fayettertk@fayettepa.org
Telephone 724-430-1200
Ext 1504 or 1501
Facsimile 724-430-1265



RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 2026-05-29

REQUEST SUBMITTED BY: ☒ E-MAIL ☐ U.S. MAIL ☐ FAX ☐ IN-PERSON

NAME OF REQUESTOR: Matthew David Dowling

STREET ADDRESS: 273 Krulock Road

CITY/STATE/COUNTY: Uniontown, PA 15401

TELEPHONE: 724-322-6577

EMAIL: Matthew@AmplifyPA.com

RECORDS REQUESTED:

**Provide as much specific detail as possible so the agency can identify the information.*

Please see the attached request.

DO YOU WANT COPIES? YES or NO ☒

DO YOU WANT TO INSPECT THE RECORDS? YES or NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO ☒

*****Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)***

Official Use Only

Open Records Officer _____
Date Received By Agency _____ (also time stamp)
Agency Five (5) Day Response Due _____
Copy Fee _____

DETAILED RIGHT-TO-KNOW LAW REQUEST

Records Relating to Recorder of Deeds Operations, Automation Fund Expenditures, Public Communications, Procurement, Contracts, Renovations, Advertising, Public Outreach Programs, and Use of County Resources

Requested Period: January 1, 2022 through the date Fayette County conducts its search for responsive records

Open Records Officer
Fayette County
61 East Main Street
Uniontown, PA 15401
fayettertk@fayettepa.org

RE: Records Relating to Recorder of Deeds Operations, Automation Fund Expenditures, Public Communications, Procurement, Contracts, Renovations, Advertising, Public Outreach Programs, and Use of County Resources

Dear Open Records Officer:

Pursuant to Pennsylvania's Right-to-Know Law, 65 P.S. §§ 67.101 et seq., I respectfully request copies of the following records. This Attachment A is intended to be attached to and incorporated into the Pennsylvania Office of Open Records Standard Right-to-Know Request Form.

INTERPRETATION OF REQUEST

For purposes of this request, the term "records" shall be interpreted broadly and shall include, without limitation, paper records, electronically stored information, emails, text messages maintained by the County or by public officials or employees in connection with County business, instant messages, memoranda, correspondence, handwritten notes, calendars, calendar invitations, task assignments, photographs, audio recordings, video recordings, spreadsheets, databases, metadata, accounting-system records, financial records, contracts, invoices, purchase orders, procurement records, server logs, user-access logs, cloud-stored records, backup records maintained in the ordinary course of business, and all other records as defined by the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101 et seq.

Unless otherwise specified, this request includes records maintained by Fayette County, the Recorder of Deeds Office, the County Commissioners, the County Controller, the County Solicitor, the Information Technology Department, contractors acting on behalf of the County or the Recorder of Deeds Office, and any other custodian possessing responsive records.

SPECIFICITY OF REQUEST

The records requested herein are limited to records concerning the Recorder of Deeds Office, the Automation Fund, Records Improvement Fund, public communications, procurement activities, advertising, sponsorships, renovations, contracts, audit findings, website administration, social-media administration, and related matters occurring between January 1, 2022 and the date Fayette County conducts its search for responsive records.

The records sought are further limited to the categories specifically identified in this request. If Fayette County, the Recorder of Deeds Office, or any custodian believes any portion of this request lacks sufficient specificity, I request that the specific portion at issue be identified and that I be provided a reasonable opportunity to clarify, narrow, or modify that portion before it is denied in whole or in part.

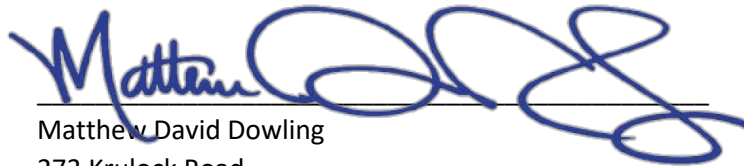
exports, accounting-system reports, Outlook message files, searchable PDF files, digital photographs, digital audio files, and digital video files.

57. Where records exist electronically, production of native files is preferred to printed images or scanned copies.
58. If Fayette County contends that any portion of a responsive record is exempt from disclosure, I request that the exempt portion be redacted and the remainder produced pursuant to 65 P.S. § 67.706.
59. For each withheld record, please identify the date of the record, record type, author or sender, recipient(s), custodian of the record, and the specific statutory basis relied upon for withholding the record.
60. If any portion of this request is denied, please provide all appeal rights required by the Pennsylvania Right-to-Know Law.

CONTINUING CLARIFICATION REQUEST

61. If Fayette County, the Recorder of Deeds Office, or any custodian of records believes any portion of this request is insufficiently specific, overly broad, ambiguous, unduly burdensome, or otherwise requires clarification, I respectfully request that the specific portion at issue be identified and that I be provided a reasonable opportunity to clarify, narrow, modify, or discuss the request before it is denied in whole or in part.
62. If a narrower search, modified wording, different date range, different custodian, or different record description would facilitate production of responsive records, I request that such information be provided so that the request may be reasonably clarified and the maximum number of responsive records may be produced.
63. Nothing in this request should be construed as a refusal to reasonably clarify any portion of the request if clarification would assist in locating and producing responsive records.

Respectfully submitted,



Matthew David Dowling
273 Krulock Road
Uniontown, PA 15401
724-322-6577
Matthew@AmplifyPA.com

2026-05-29

Date

Appeal of Matthew D. Dowling
Requester

OOB Appeal # _____

v.

Fayette County Recorder of Deeds Office
Agency



APPEAL OF PREPAYMENT DEMAND

BACKGROUND

On June 9, 2026, the Fayette County Recorder of Deeds Office issued a prepayment notice stating that approximately 860 pages of responsive records had been identified. The Office asserted that if Requester wished to inspect the records, approximately 775 pages would first need to be printed in order to securely redact non-public information before inspection.

The Office therefore demanded prepayment of \$387.50 prior to inspection and \$430.00 for copies.

Requester challenges the prepayment demand because it is based upon the unnecessary creation of paper copies of records that exist in digital format and can be electronically redacted using readily available technology.

GROUND FOR APPEAL

I. THE OFFICE HAS NOT ESTABLISHED THAT PRINTING IS NECESSARY

The Office's prepayment notice states that approximately 775 pages must be printed in order to securely redact non-public information. The notice provides no explanation for this assertion and identifies no technological limitation, legal requirement, or operational necessity requiring paper redaction.

II. THE RESPONSIVE RECORDS EXIST IN DIGITAL FORMAT

The requested records concern, in part, expenditures from the Recorder of Deeds Automation Fund, as well as other records maintained by the Recorder of Deeds Office. The responsive records are believed to exist in electronic format and to be maintained through digital systems utilized by the Office in the ordinary course of business.

III. MODERN ELECTRONIC REDACTION TOOLS ELIMINATE THE NEED FOR PAPER COPIES

Government agencies throughout Pennsylvania routinely redact records electronically. Modern software platforms, including Adobe Acrobat and similar document management tools, provide permanent and secure electronic redaction functionality specifically designed for governmental, legal, and records-management environments.

IV. THE PREPAYMENT DEMAND IMPROPERLY SHIFTS THE COST OF THE OFFICE'S INTERNAL WORKFLOW TO THE REQUESTER

Requester did not request paper copies, manual redaction, or conversion of electronic records into paper records. The proposed duplication fees therefore arise from the Office's chosen internal workflow rather than from the nature of the request itself.

V. THE OFFICE'S POSITION IS INCONSISTENT WITH THE PURPOSE OF THE AUTOMATION FUND

The requested records concern, in part, expenditures from the Recorder of Deeds Automation Fund.

To the extent the responsive records include expenditures from the Recorder of Deeds Automation Fund, those records relate to a fund established to support technological modernization, records management

Thursday, June 18, 2026 at 22:53



Subject: Re: Right-to-Know Law Request – Recorder of Deeds Records, Automation Communications, and Related Records
Date: Thursday, June 18, 2026 at 1:32:09 PM Eastern Daylight Time
From: Fayette RTK <fayettertk@fayettepa.org>
To: Matthew Dowling <matthew@amplifypa.com>
CC: Fayette RTK <fayettertk@fayettepa.org>
Attachments: Outlook-1vgqxd1p.png, Outlook-v3bmhvbb.png, RTK-Dowling-dated-June-9-2026-Prepayment-requirement-2.pdf

Good afternoon,

Please see the attached documentation provided by the Recorder of Deeds Office.

As outlined in the attached information, a non-refundable retainer fee is required before we can begin processing your request.

If you wish to receive copies of all responsive records, the estimated duplication cost is based on approximately **860 pages at \$0.50 per page**, for an estimated total of **\$430.00**.

If you wish to inspect the responsive records only, the Office must first print approximately **775 pages** to securely redact non-public information prior to inspection. The remaining **85 pages** do not require printing for redaction purposes. Therefore, the estimated duplication cost for inspection is **775 pages at \$0.50 per page**, for an estimated total of **\$387.50**.

Please note that the non-refundable retainer must be paid before we can begin gathering the requested records. Once the records have been compiled and your request has been completed, additional fees may apply based on the actual costs incurred. If additional charges are necessary, you will be notified of the remaining balance prior to receiving the records.

If you have any questions, please do not hesitate to contact me.

Thank you,

Fayette County

61 East Main Street

Uniontown, PA 15401



FayetteRTK@fayettepa.org

From: Matthew Dowling <matthew@amplifypa.com>

Sent: Friday, May 29, 2026 4:54 PM

To: Fayette RTK <fayettertk@fayettepa.org>

Subject: Re: Right-to-Know Law Request – Recorder of Deeds Records, Automation Fund, Procurement, Communications, and Related Records

CAUTION

This message originated from an external source. Verify the legitimacy before clicking links or opening attachments.

Good afternoon,

Thank you for your response acknowledging receipt of my Right-to-Know request and invoking an extension through July 8, 2026.

For tracking purposes, has a Right-to-Know request number or file number been assigned to this request? If so, would you please provide it?

Thank you for your assistance, and I look forward to your response.

Respectfully,

Matthew D. Dowling

matthew@amplifypa.com

Get [Outlook for iOS](#)

From: Fayette RTK <fayettertk@fayettepa.org>

Sent: Friday, May 29, 2026 11:17:57 AM

To: Matthew Dowling <matthew@amplifypa.com>

Cc: Fayette RTK <fayettertk@fayettepa.org>

Subject: Re: Right-to-Know Law Request – Recorder of Deeds Records, Automation Fund, Procurement, Communications, and Related Records

Matthew Dowling
matthew@amplifypa.com

May 29, 2026



Dear Matthew Dowling,

Thank you for writing to Fayette County with your requests for information pursuant to the Pennsylvania Right-To-Know law.

On May 29, 2026 you requested,

"• Inquiry: records relating to Recorder of Deeds operations, Automation Fund expenditures, procurement activities, contracts, renovations, public communications, outreach programs, website and social media administration, public outreach activities, and related matters"

We are invoking the 30-day extension to gather all documents and review prior to sending to you. We will have your request on or before July 8th, 2026

Section 102. Definitions

"Record." Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received, or retained pursuant to law or in connection with a transaction, business, or activity of the agency. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically, and a data processed or image- processed document.

Because the records you are not requesting are not records of Fayette County, the county is not required to produce the information you are requesting, as follows.

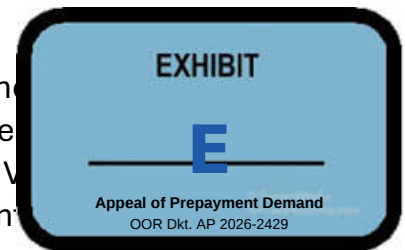
Section 705. Creation of record.

When responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format, or organize a record in a manner in which the agency does not currently compile, maintain, format, or organize the record.

You have a right to appeal this denial of information in writing to the Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120.

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. See 65 P.S. § 67.1101. Please note that a copy of your

original Right-to-Know request and this denial letter must be in appeal. The law also requires that you state the reasons why the request is denied and address each of the reasons the Agency denies your request. Visit the Open Records website at <http://www.openrecords.pa.gov> for further information on how to appeal.



Fayette County

61 East Main Street

Uniontown, PA 15401



FayetteRTK@fayettepa.org

From: Matthew Dowling <matthew@amplifypa.com>

Sent: Friday, May 29, 2026 2:16 AM

To: Fayette RTK <fayettertk@fayettepa.org>

Cc: Matthew Dowling <matthew@amplifypa.com>; Vincent Vicites <vvicites@fayettepa.org>; Scott Dunn <sdunn@fayettepa.org>; Harry Kaufman <hkaufman@fayettepa.org>; Jon Marietta <jmarietta@fayettepa.org>; Mark Rafail <mrafail@fayettepa.org>; Cristi Spiker <cspiker@FAYETTEPA.ORG>

Subject: Right-to-Know Law Request – Recorder of Deeds Records, Automation Fund, Procurement, Communications, and Related Records

CAUTION

This message originated from an external source. Verify the legitimacy before clicking links or opening attachments.

Good Morning,

Attached please find my Pennsylvania Right-to-Know Law Request submitted pursuant to 65 P.S. §§ 67.101 et seq.

The attached filing seeks records relating to Recorder of Deeds operations, Automation Fund expenditures, procurement activities, contracts, renovations, public communications, outreach

programs, website and social media administration, public outreach activities, and related matters, as more fully described in the request.

Please consider this email and attachment to constitute a formal Right-to-Know Law request. Electronic production of responsive records is preferred whenever available.

In addition, because the request seeks records maintained in both paper and electronic form, I respectfully request that all potentially responsive records be preserved pending completion of the County's search and response.

I would appreciate a brief written acknowledgment confirming receipt of this request and identifying the date on which the County considers the request received for purposes of calculating the statutory response deadline.

If any portion of the request is believed to require clarification, narrowing, or modification, please contact me before denying any portion of the request so that reasonable clarification may be discussed and the maximum number of responsive records may be produced.

Please reply to this email confirming receipt of the request.

Thank you for your attention to this matter. I look forward to your acknowledgment.

Respectfully,
Matthew David Dowling

 273 Krulock Road, Uniontown, PA 15401

 matthew@AmplifyPA.com

 724-322-6577

 www.MatthewDDowling.com | www.AmplifyPA.com

 Facebook: <https://www.facebook.com/matthew.d.dowling/>

 Twitter/X: <https://x.com/matthewddowling>

 Instagram: <https://www.instagram.com/matthewddowling/>

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FAYETTE COUNTY RECORDER OF DEEDS OFFICE
61 East Main Street, Uniontown, PA 15401
Office: 724-430-1238 / Email: jmarietta@fayettepa.org
JON R. MARIETTA JR.
RECORDER OF DEEDS



Right-to-Know Request Prepayment Notice:

June 9, 2026

Dear Mr. Dowling,

This correspondence is in response to your Right-to-Know Law request submitted to the Fayette County Recorder of Deeds Office.

The Office has identified approximately 860 uncertified pages responsive to your request. Pursuant to 42 P.S. § 21051, the applicable statutory fee for Recorder of Deeds uncertified copies is \$0.50 per page.

If you wish to receive copies of all responsive records, the estimated duplication fee is calculated as follows:

860 pages × \$0.50 per page = \$430.00

If you wish only to inspect the responsive records, the Office must still print approximately 775 pages in order to securely redact non-public information before inspection. The remaining 85 pages do not require printing for redaction purposes.

The estimated duplication fee for inspection is calculated as follows:

775 pages × \$0.50 per page = \$387.50

The Office is not charging a fee for redaction, legal review, staff time, search time, or retrieval time. Any fee assessed is limited to the statutory copy cost authorized by 42 P.S. § 21051 for copies that must be made in order to securely redact non-public information before access may be provided.

Pursuant to the Office of Open Records' Official RTKL Fee Schedule, if a requester wishes to inspect records that contain both public and non-public information, an agency may redact the non-public information. An agency may not charge for the redaction itself. However, an agency may charge for any copies it must make in order to securely redact the material before allowing inspection. The OOR fee schedule also recognizes that a Recorder of Deeds may charge \$0.50 per uncertified page under 42 P.S. § 21051.

Appeal of Matthew D. Dowling
Requester

OOB Appeal # _____

v.

Fayette County Recorder of Deeds Office
Agency



APPEAL OF PREPAYMENT DEMAND

BACKGROUND

On June 9, 2026, the Fayette County Recorder of Deeds Office issued a prepayment notice stating that approximately 860 pages of responsive records had been identified. The Office asserted that if Requester wished to inspect the records, approximately 775 pages would first need to be printed in order to securely redact non-public information before inspection.

The Office therefore demanded prepayment of \$387.50 prior to inspection and \$430.00 for copies.

Requester challenges the prepayment demand because it is based upon the unnecessary creation of paper copies of records that exist in digital format and can be electronically redacted using readily available technology.

GROUND FOR APPEAL

I. THE OFFICE HAS NOT ESTABLISHED THAT PRINTING IS NECESSARY

The Office's prepayment notice states that approximately 775 pages must be printed in order to securely redact non-public information. The notice provides no explanation for this assertion and identifies no technological limitation, legal requirement, or operational necessity requiring paper redaction.

II. THE RESPONSIVE RECORDS EXIST IN DIGITAL FORMAT

The requested records concern, in part, expenditures from the Recorder of Deeds Automation Fund, as well as other records maintained by the Recorder of Deeds Office. The responsive records are believed to exist in electronic format and to be maintained through digital systems utilized by the Office in the ordinary course of business.

III. MODERN ELECTRONIC REDACTION TOOLS ELIMINATE THE NEED FOR PAPER COPIES

Government agencies throughout Pennsylvania routinely redact records electronically. Modern software platforms, including Adobe Acrobat and similar document management tools, provide permanent and secure electronic redaction functionality specifically designed for governmental, legal, and records-management environments.

IV. THE PREPAYMENT DEMAND IMPROPERLY SHIFTS THE COST OF THE OFFICE'S INTERNAL WORKFLOW TO THE REQUESTER

Requester did not request paper copies, manual redaction, or conversion of electronic records into paper records. The proposed duplication fees therefore arise from the Office's chosen internal workflow rather than from the nature of the request itself.

V. THE OFFICE'S POSITION IS INCONSISTENT WITH THE PURPOSE OF THE AUTOMATION FUND

The requested records concern, in part, expenditures from the Recorder of Deeds Automation Fund.

To the extent the responsive records include expenditures from the Recorder of Deeds Automation Fund, those records relate to a fund established to support technological modernization, records management

improvements, operational efficiencies, and other technology-related functions of the Office.

The Office's assertion that approximately 775 pages must be physically printed in order to perform redactions appears inconsistent with the purpose of automation funding and inconsistent with modern governmental records-management practices utilized throughout the Commonwealth of Pennsylvania.

Commonwealth agencies, courts, counties, municipalities, and records custodians routinely utilize electronic document management systems and electronic redaction tools to review and produce records. Modern software platforms, including Adobe Acrobat and similar products, provide permanent and secure electronic redaction functionality specifically designed for governmental and legal environments.

The Office has not identified any technological limitation, legal requirement, or operational necessity requiring approximately 775 pages to be printed before access may be provided. Nor has the Office explained why electronic redaction tools cannot be utilized for records that already exist in electronic format.

If Automation Fund expenditures have been used to modernize office operations, the Office should be capable of electronically reviewing, redacting, and producing digital records without generating hundreds of pages of paper copies.

VI. THE OFFICE ROUTINELY UTILIZES ELECTRONIC RECORDS AND ELECTRONIC PUBLICATION

The Recorder of Deeds Office routinely publishes Right-to-Know Law responses and related materials through electronic means. This practice demonstrates that the Office possesses the capability to maintain, transmit, and disseminate records digitally.

VII. THE PREPAYMENT DEMAND CREATES AN UNREASONABLE BARRIER TO PUBLIC ACCESS

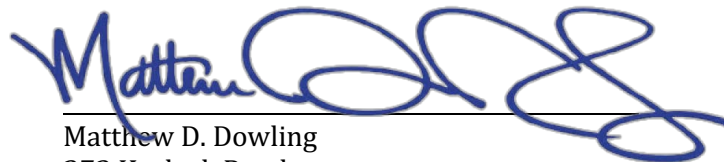
The stated purpose of the Right-to-Know Law is to promote transparency and public access to governmental records.

The Office's notice does not state that the responsive records exist only in paper format. Rather, the notice states that the records must be printed for purposes of redaction. This distinction is significant. The issue presented is not whether paper records may be copied, but whether electronic records may be converted into paper records and then used as the basis for substantial duplication fees when electronic redaction technologies are readily available.

REQUEST FOR RELIEF

Requester respectfully requests that the Office of Open Records grant the appeal and require the Recorder of Deeds Office to justify its claimed necessity for printing responsive records, explain the availability of electronic redaction tools, and provide access through electronic review, redaction, and production consistent with the Right-to-Know Law.

Respectfully Submitted:

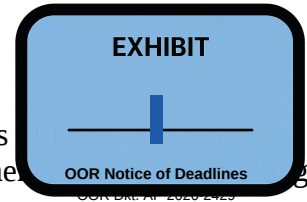


Matthew D. Dowling
273 Krulock Road
Uniontown, PA 15401
Matthew@AmplifyPA.com
724-322-6577

06-18-2026

Date

NOTICE OF DEADLINES



The appeal has been docketed by the OOR and it has been assigned to an Appeals number and the Appeals Officer's contact information are included in the attachment with this notice.

The Final Determination is currently due on **August 24, 2026**.

The timeline for this RTKL appeal may be extended by the OOR during the appeal. This extension will allow the OOR the flexibility it requires to protect due process and to ensure that the agency and requester, along with any third parties, have a full and fair opportunity to meaningfully participate in the appeal.

Evidence, legal argument and general information to support your position must be submitted within seven (7) business days from the date of this letter, unless the Appeals Officer informs you otherwise. *Note: If the proceedings have been stayed for the parties to submit a completed mediation agreement, the record will remain open for seven (7) business days beyond the mediation agreement submission deadline.*

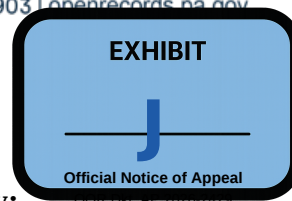
Submissions in this case are currently due on **July 2, 2026**.

If you are unable to meaningfully participate in this appeal under the above deadlines, please notify the Appeals Officer as soon as possible.

Due to delays in U.S. mail, we urge agencies and requesters to use email or the E-File Appeal Portal for all communications with the OOR to the extent possible.

Presently, the OOR is receiving postal mail on a limited basis. Accordingly, we urge agencies and requesters to use email for all communication with the OOR to the extent possible.

If you have any questions about this notice or the underlying appeal, please contact the Appeals Officer. The OOR is committed to working with agencies and requesters to ensure that the RTKL appeal process proceeds as fairly and as smoothly as possible.



June 23, 2026

Via E-File Portal Only:

Matthew Dowling
273 Krulock Road
Uniontown, PA 15401
matthew@AmplifyPA.com

Via E-File Portal Only:

Morgan Keteles/Mark Rafail
Agency Open Records Officer
Fayette County
61 E. Main Street
Uniontown, PA 15401
fayettertk@fayettepa.org

RE: OFFICIAL NOTICE OF APPEAL - Dowling v. Fayette County OOR Dkt. AP 2026-2429

Dear Parties:

Review this information and all enclosures carefully as they affect your legal rights.

The Office of Open Records (“OOR”) received this appeal under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101, et seq. on June 18, 2026. A binding Final Determination (“FD”) will be issued pursuant to the timeline required by the RTKL, **please see the attached information for more information about deadlines.**

Notes for both parties (more information in the enclosed documents):

- The docket number above must be included on all submissions related to this appeal.
- Any information provided to the OOR must be provided to all parties involved in this appeal. Information that is not shared with all parties will not be considered.
- All submissions to the OOR, other than *in camera* records, will be public records. Do not include any sensitive information- such as Social Security numbers.

If you have questions about this appeal, please contact the assigned Appeals Officer (contact information enclosed), providing a copy of any correspondence to all parties involved in this appeal.

Sincerely,

Elizabeth Wagenseller
Executive Director

Enc.: Description of RTKL appeal process
Assigned Appeals Officer contact information
Entire appeal as filed with OOR

June 25, 2026

Via E-File Portal Only:

Matthew Dowling
273 Krulock Road
Uniontown, PA 15401
matthew@AmplifyPA.com

Via E-File Portal Only:

Morgan Keteles/Mark Rafail
Agency Open Records Officer
Fayette County
61 E. Main Street
Uniontown, PA 15401
fayettertk@fayettepa.org

Jon Marietta
Fayette County Recorder of Deeds
61 E Main St
Uniontown, PA 15401
jmarietta@fayettepa.org

RE: Dowling v. Fayette County OOR Dkt. AP 2026-2429

Dear Parties:

As the Request seeks records related to the Fayette County Recorder of Deeds, Jon Marietta, on behalf of the Fayette County Recorder of Deeds, as been accepted as a third party direct interest participant.

In the interest of due process and noting the upcoming 4th of July Holiday, the submission period is extended an additional week or until **July 9, 2026**.

It is my understanding that the County has identified records responsive to the Request and has imposed a duplication fee. Either party may submit, among other issue(s) raised and presented by both parties, why the duplication fee is appropriate and why the responsive records require redaction.

Thank-you for your attention in this matter.

Sincerely,

/s/ Lyle Hartranft

Lyle Hartranft



IN THE MATTER OF

MATTHEW DOWLING,
Requester

v.

FAYETTE COUNTY,
Agency

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Docket No.: AP 2026-2429

Please accept this as a Request to Participate in a currently pending appeal before the Office of Open Records. The statements made herein and in any attachments are true and correct to the best of my knowledge, information and belief. I understand this statement is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.

Name: Jon Marietta
Type: Fayette County Recorder of Deeds
Address: 61 E Main St
Uniontown, PA 15401
Email: jmarietta@fayettepa.org
Phone #: 724-430-1238
Comments: My Office is involved in the appeal and the request

I have a direct interest in the record(s) at issue as:

- Other: Elected Recorder of Deeds Fayette County, PA

I have attached a copy of all evidence and arguments I wish to submit in support of my position.



BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS

MATTHEW DOWLING,
Requester

v.

FAYETTE COUNTY RECORDER OF DEEDS,
Agency

OOR Dkt. AP 2026-2429

AGENCY'S RESPONSE AND POSITION STATEMENT

The Fayette County Recorder of Deeds Office, through its Recorder of Deeds and Agency Open Records Officer, submits the following response to the appeal filed by Matthew Dowling:

I. INTRODUCTION

The appeal should be denied because the Fayette County Recorder of Deeds Office has not charged the Requester for employee time, legal review, record retrieval, or the act of redacting records.

The Office assessed only the lawful copying fees authorized for a Recorder of Deeds under 42 P.S. § 21051. Because the estimated fees exceed \$100.00, the Office properly invoked its right to require prepayment pursuant to Section 1307(h) of the Pennsylvania Right-to-Know Law, 65 P.S. § 67.1307(h).

The Office identified approximately 860 uncertified paper pages responsive to the Request. If the Requester seeks copies of the complete responsive production, the applicable statutory copying fee is \$430.00.

If the Requester elects to inspect the records, approximately 775 pages must still be copied so that non-public information, including complete financial account numbers, may be securely redacted without permanently altering the original paper records. The copying fee associated with those necessary redacted copies is \$387.50.

II. FACTUAL BACKGROUND

1. The Requester submitted a request under the Pennsylvania Right-to-Know Law seeking records maintained by or involving the Fayette County Recorder of Deeds Office.

2. The Office conducted a good-faith search for responsive records.
3. The Office identified approximately 860 uncertified pages responsive to the Request.
4. The responsive records located by the Office are maintained in paper format rather than digital format.
5. Approximately 775 pages contain both information subject to public access and information that is not subject to public access.
6. Certain responsive records contain complete financial account numbers belonging to the Fayette County Recorder of Deeds Office and/or the County of Fayette.
7. Disclosure of the complete financial account numbers would create a reasonable likelihood of danger to the financial safety and security of the Recorder of Deeds Office and the County of Fayette.
8. The reasonably foreseeable risks include unauthorized withdrawals, fraudulent electronic transactions, the creation of fraudulent checks, unauthorized attempts to access public accounts, and the loss or diversion of public funds.
9. Unauthorized access to or loss of public funds could delay, disrupt, or impede the daily administrative and financial operations of the Recorder of Deeds Office and the County.
10. The complete financial account numbers are not material to the subject matter of the Request, and their redaction will not prevent the Requester from reviewing the responsive financial transactions, amounts, dates, payees, purposes, and other public information appearing in the records.
11. Pursuant to Section 706 of the RTKL, 65 P.S. § 67.706, the Office must redact information that is not subject to public access while providing access to the remaining public portions of the records.
12. The Office cannot apply the required redactions directly to the original paper records because doing so would permanently alter the original records maintained by the Office.
13. Therefore, before allowing inspection, the Office must make copies of the approximately 775 pages containing non-public information and apply the required redactions to those copies.
14. The redacted copies must then be reviewed to ensure that complete financial account numbers and other non-public information are not visible or otherwise disclosed during inspection.
15. The remaining approximately 85 pages do not require redaction and may be made available for inspection in their existing paper format without first making redacted copies.
16. The Office notified the Requester of the following access options:

- a. Copies of the complete responsive production:

D. The disclosure of complete financial account numbers would create a reasonable likelihood of danger to the financial security of the Office and the County.

Section 708(b)(3) of the RTKL exempts:

“A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system.”

65 P.S. § 67.708(b)(3).

Complete financial account numbers appearing in the responsive records constitute information that could be used to gain unauthorized access to or facilitate fraudulent transactions involving public accounts and public funds.

Disclosure of those complete financial account numbers creates a reasonable likelihood of endangering the financial safety and security of the Fayette County Recorder of Deeds Office and/or the County of Fayette. The foreseeable risks include unauthorized withdrawals, fraudulent electronic transactions, the creation or use of fraudulent checks, unauthorized attempts to access public accounts, and the diversion or loss of public funds.

The loss, restriction, or unauthorized diversion of public funds could delay, disrupt, or impede the daily administrative and financial functions of the Recorder of Deeds Office and the County.

The OOR has recognized that an agency may redact its own bank account and routing numbers when the agency demonstrates that disclosure would create a reasonable likelihood of danger to the agency's security by permitting unauthorized access to public funds. See *Myer v. Radnor Township*, OOR Dkt. AP 2023-2422 (Final Determination issued November 27, 2023; Final Determination upon Reconsideration issued January 24, 2024).

In *Myer*, the OOR concluded that the township could redact its bank account and routing numbers to prevent unauthorized access to township funds.

The complete financial account numbers are not material to the subject matter of the present Request. Redacting the complete numbers will not prevent the Requester from reviewing the responsive transactions or other public financial information, including transaction dates, transaction amounts, payees, payment purposes, and account activity.

ATTESTATION OF JON R. MARIETTA JR.

I, Jon R. Marietta Jr., state the following based upon my personal knowledge and information obtained in the performance of my official duties:

Attestation
Jon R. Marietta Jr.
OOR Dkt. AP 2026-2429

1. I am the duly elected Fayette County Recorder of Deeds and serve as the Agency Open Records Officer for the Recorder of Deeds Office.
2. I am familiar with the records maintained by the Office and the Office's procedures for locating, reviewing, copying, redacting, and producing records.
3. The Office conducted a good-faith search for records responsive to Matthew Dowling's Right-to-Know Law request.
4. The search identified approximately 860 uncertified responsive pages.
5. The responsive records located by the Office for purposes of this Request are maintained in paper format.
6. Approximately 775 pages contain information subject to public access together with information that is not subject to public access and must be redacted before release or inspection.
7. Certain responsive records contain complete financial account numbers belonging to the Fayette County Recorder of Deeds Office and/or the County of Fayette.
8. Complete financial account numbers can be used or combined with other information to attempt unauthorized withdrawals, fraudulent electronic transactions, the creation or use of fraudulent checks, or other unauthorized transactions involving public funds.
9. Disclosure of the complete financial account numbers would create a reasonable likelihood of danger to the financial safety and security of the Recorder of Deeds Office and/or the County of Fayette.
10. Unauthorized access to, withdrawal from, or restriction of the affected accounts could result in the loss or diversion of public funds and could delay, disrupt, or impede the daily administrative and financial operations of the Recorder of Deeds Office and the County.
11. Redacting the complete financial account numbers will not prevent the Requester from reviewing the responsive public financial information, including transaction dates, amounts, payees, payment purposes, and other account activity.
12. The remaining approximately 85 pages do not require redaction before inspection.
13. The Office cannot apply redactions directly to the original paper records because doing so would permanently alter the original records maintained by the Office.
14. To protect the integrity of the original records and prevent disclosure of complete financial account numbers and other non-public information, the Office must

make copies of the approximately 775 pages and apply the required redactions to those copies.

15. The Office must review the resulting redacted copies before inspection to ensure that complete financial account numbers and other non-public information are not visible or otherwise disclosed.
16. The Office calculated the estimated fee for copies of all responsive pages as follows:

860 pages × \$0.50 per page = \$430.00.

17. The Office calculated the estimated fee for inspection as follows:

775 pages that must be copied for secure redaction × \$0.50 per page = \$387.50.

18. The \$0.50-per-page rate is the statutory fee authorized for uncertified Recorder of Deeds copies under 42 P.S. § 21051.
19. The Office has not charged the Requester for employee time, employee salary, legal review, record review, searching, retrieving records, or performing redactions.
20. The Office will reconcile the estimated fee against the actual number of copies necessarily created and address any difference between the estimated and actual amount.
21. The Office remains willing to provide the responsive public information after the Requester selects a method of access and pays the applicable lawful prepayment.

I verify that the statements made in this Attestation are true and correct to the best of my knowledge, information, and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Jon R. Marietta Jr.

Date: July 1, 2026

COMMONWEALTH OF PENNSYLVANIA :
SS
COUNTY OF FAYETTE :



AFFIDAVIT

I, Jon R. Marietta, Jr., Fayette County Recorder of Deeds, hereby swear or affirm that the disclosure of the complete financial account numbers of the Recorder of Deeds of Fayette County, pursuant to the subject Right to Know request, creates a reasonable likelihood of endangering the financial safety and security of the Office of the Recorder of Deeds and/or the County of Fayette. Such risks reasonably include the risk of unauthorized withdrawals, fraudulent electronic transactions, and the creation of fraudulent checks, and/or all of which would jeopardize or result in a loss of public funds, delay, disrupt and/or impede the day to day administrative function of the Recorder of Deeds Office.

I hereby verify that the averments set forth herein and in the Answer to RTK Appeal are true and correct. I understand that the averments of fact in the foregoing document are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsifications to authorities.

A handwritten signature in black ink, appearing to read "Jon R. Marietta, Jr.", written over a horizontal line.

JON R. MARIETTA, JR.
FAYETTE COUNTY RECORDER OF DEEDS

Date: July 1, 2026



IN THE MATTER OF

**MATTHEW DOWLING,
Requester**

v.

**FAYETTE COUNTY,
Respondent**

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Docket No.: AP 2026-2429

This correspondence confirms the above-referenced Requester's agreement to an additional thirty (30) day extension of time to issue a Final Determination in this matter as indicated in the Requester's appeal form. Accordingly, pursuant to 65 P.S. § 67.1101(b)(1), the Office of Open Records will now issue a Final Determination in the above-captioned matter on or before August 24, 2026.



June 23, 2026

Via E-File Portal Only:

Matthew Dowling
273 Krulock Road
Uniontown, PA 15401
matthew@AmplifyPA.com

Via E-File Portal Only:

Morgan Keteles/Mark Rafail
Agency Open Records Officer
Fayette County
61 E. Main Street
Uniontown, PA 15401
fayettertk@fayettepa.org

RE: OFFICIAL NOTICE OF APPEAL - Dowling v. Fayette County OOR Dkt. AP 2026-2429

Dear Parties:

Review this information and all enclosures carefully as they affect your legal rights.

The Office of Open Records (“OOR”) received this appeal under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101, et seq. on June 18, 2026. A binding Final Determination (“FD”) will be issued pursuant to the timeline required by the RTKL, **please see the attached information for more information about deadlines.**

Notes for both parties (more information in the enclosed documents):

- The docket number above must be included on all submissions related to this appeal.
- Any information provided to the OOR must be provided to all parties involved in this appeal. Information that is not shared with all parties will not be considered.
- All submissions to the OOR, other than *in camera* records, will be public records. Do not include any sensitive information- such as Social Security numbers.

If you have questions about this appeal, please contact the assigned Appeals Officer (contact information enclosed), providing a copy of any correspondence to all parties involved in this appeal.

Sincerely,

Elizabeth Wagenseller
Executive Director

Enc.: Description of RTKL appeal process
Assigned Appeals Officer contact information
Entire appeal as filed with OOR

The Right-to-Know Law Appeal Process

Please review this information carefully as it affects your legal rights.

The Office of Open Records (“OOR”) has received the enclosed appeal, which was filed under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101, et seq. A binding Final Determination will be issued by the OOR pursuant to the statutory timeline, subject to the notice of deadlines enclosed herein. If you have any questions, please contact the Appeals Officer assigned to this case. Contact information is included on the enclosed documents. **With limited exceptions, the Appeals Officer should be contacted through the E-File Portal.**

Submissions to the OOR

Both parties may submit evidence, legal argument, and general information to support their positions to the assigned Appeals Officer. Please contact the Appeals Officer as soon as possible.

Any information provided to the OOR must be provided to all parties involved in this appeal. Information submitted to the OOR will not be considered unless it is also shared with all parties.

Include the docket number on all submissions.

The agency may assert exemptions on appeal even if it did not assert them when the request was denied (*Levy v. Senate of Pa.*, 65 A.3d 361 (Pa. 2013)).

It is strongly advised that attorneys and other party representatives **file an Entry of Appearance** by uploading an Entry of Appearance form to the E-File Portal or completing the form at: <https://www.openrecords.pa.gov/Appeals/EntryOfAppearance.cfm>.

NOTE TO AGENCIES: If an Entry of Appearance is not filed, the AORO is responsible to inform attorneys and other party representatives of all docket activity.

Generally, submissions to the OOR — other than *in camera* records — will be public records. Do not include sensitive or personal information, such as Social Security numbers, on any submissions.

Use of artificial intelligence (AI)

Be aware that AI tools (e.g. ChatGPT, Google Gemini, etc.) routinely generate false citations, quotes, summaries, and facts. Parties should not use AI tools for legal advice. If a party uses an AI tool to generate a submission to the OOR, that party **must** ensure that the contents of the submission are accurate in fact and in law.

Appeals Officers may reject submissions to the OOR that contain material inaccuracies or lack probative value, clarity, or conciseness. Failure to present facts, arguments, or evidence in good faith may subject parties to additional sanctions.

Agency Must Notify Third Parties

If records affect a legal or security interest of a third party; contain confidential, proprietary or trademarked records; or are held by a contractor or vendor, **the agency shall notify the Appeals Officer immediately.** The Appeals Officer may direct the agency to notify such parties of the appeal and provide proof of that notice.

If directed to provide notice, such notice will include: (1) A copy of all documents included with this letter; and (2) A statement advising relevant third parties that interested persons may request to participate in this appeal by contacting the Appeals Officer or completing the form at <https://www.openrecords.pa.gov/Appeals/DIPRequest.cfm>. (see 65 P.S. § 67.1101(c)).

The Commonwealth Court has held that “the burden [is] on third-party contractors... to prove by a preponderance of the evidence that the [requested] records are exempt.” (*Allegheny County Dep’t of Admin. Servs. v. A Second Chance, Inc.*, 13 A.3d 1025, 1042 (Pa. Commw. Ct. 2011)). **A third party’s failure to participate in a RTKL appeal before the OOR, after receiving notice, may be construed as a waiver of objections regarding release of requested records.**

If either party has questions about this requirement, they should immediately contact the Appeals Officer.

Statements of Fact & Burden of Proof

Statements of fact **must** be supported by an affidavit or attestation made under penalty of perjury by a person with actual knowledge. Statements of fact or allegations submitted without an affidavit may not be considered.

Under the RTKL, the agency has the burden of proving that records are exempt from public access (see 65 P.S. § 67.708(a)(1)). **To meet this burden, the agency must provide evidence to the OOR.**

The law requires the agency position to be supported by sufficient facts and citation to all relevant sections of the RTKL, case law, and OOR Final Determinations.

An affidavit or attestation is required to prove that records do not exist.

Sample affidavits are on the OOR website, openrecords.pa.gov.

Any evidence or legal arguments not submitted or made to the OOR may be waived.

Preserving Responsive Records

The agency must preserve all potentially responsive records during the RTKL appeal process, including all proceedings before the OOR and any subsequent appeals to court.

Failure to properly preserve records may result in the agency being sanctioned by a court for acting in bad faith.

See *Lockwood v. City of Scranton*, 2019-CV-3668 (Lackawanna County Court of Common Pleas), holding that an agency had “a mandatory duty” to preserve records after receiving a RTKL request. Also see generally *Uniontown Newspapers, Inc. v. Pa. Dep’t of Corr.*, 185 A.3d 1161 (Pa. Commw. Ct. 2018), holding that “a fee award holds an agency accountable for its conduct during the RTKL process...”

Mediation

The OOR offers a mediation program as an alternative to the standard appeal process. To participate in the mediation program, both parties must agree in writing.

The agency must preserve all potentially responsive records during the RTKL appeal process. Mediation is a voluntary, informal process to help parties reach a mutually agreeable settlement. The OOR has had great success in mediating RTKL cases.

If mediation is successful, the requester will withdraw the appeal. This ensures that the case will not proceed to court — saving both sides time and money.

Either party can end mediation at any time.

If mediation is unsuccessful, both parties will be able to make submissions to the OOR as outlined on this document, and the OOR will have no less than 30 calendar days from the conclusion of the mediation process to issue a Final Determination.

Parties are encouraged to consider the OOR's mediation program as an alternative way to resolve disputes under the RTKL.



APPEALS OFFICER:

Lyle Hartranft, Esq.

CONTACT INFORMATION:

**Commonwealth of Pennsylvania
Office of Open Records
555 Walnut Street, Suite 605
Harrisburg, PA 17101-1925**

PHONE:

(717) 346-9903

FACSIMILE:

(717) 425-5343

**Preferred method of contact and
submission of information:**

E-FILE PORTAL

**PARTIES WITHOUT COMPUTER OR INTERNET ACCESS SHOULD PROCEED BY MAIL
OR FACSIMILE**

**Please direct submissions and correspondence related to this appeal to the above Appeals Officer.
Please include the case name and docket number on all submissions.**

You must copy the other party on everything you submit to the OOR.

The OOR website, <https://openrecords.pa.gov>, is searchable and both parties are encouraged to review prior final determinations involving similar records and fees that may impact this appeal.



IN THE MATTER OF

Requester

v.

Agency

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OOR Dkt. AP _____

Please accept my appearance for the _____ in the above captioned case.
(Requester/Agency)

PUBLIC RECORD NOTICE: ALL FILINGS WITH THE OOR WILL BE PUBLIC RECORDS AND SUBJECT TO PUBLIC ACCESS WITH LIMITED EXCEPTION. IF YOU DO NOT WANT TO INCLUDE PERSONAL CONTACT INFORMATION IN A PUBLICLY ACCESSIBLE RECORD, PLEASE PROVIDE ALTERNATE CONTACT INFORMATION IN ORDER TO RECEIVE FUTURE CORRESPONDENCE RELATED TO THIS APPEAL.

Attorney: _____

Firm: _____

Address: _____

Email: _____

Phone #: _____

Please submit this form to the Appeals Officer assigned to the appeal. Remember to copy all parties on this correspondence. The Office of Open Records will not consider direct interest filings submitted after a Final Determination has been issued in the appeal.

REQUEST TO PARTICIPATE BEFORE THE OOR

Please accept this as a Request to Participate in a currently pending appeal before the Office of Open Records. The statements made herein and in any attachments are true and correct to the best of my knowledge, information and belief. I understand this statement is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.

NOTE: The requester filing the appeal with the OOR is a named party in the proceeding and is NOT required to complete this form.

OOR Docket No: _____

Today's date: _____

Name: _____

PUBLIC RECORD NOTICE: ALL FILINGS WITH THE OOR WILL BE PUBLIC RECORDS AND SUBJECT TO PUBLIC ACCESS WITH LIMITED EXCEPTION. IF YOU DO NOT WANT TO INCLUDE PERSONAL CONTACT INFORMATION IN A PUBLICLY ACCESSIBLE RECORD, PLEASE PROVIDE ALTERNATE CONTACT INFORMATION IN ORDER TO RECEIVE FUTURE CORRESPONDENCE RELATED TO THIS APPEAL.

Address/City/State/Zip _____

E-mail _____

Fax Number: _____

Name of Requester: _____

Address/City/State/Zip _____

Telephone/Fax Number: _____ / _____

E-mail _____

Name of Agency: _____

Address/City/State/Zip _____

Telephone/Fax Number: _____ / _____

E-mail _____

Record at issue: _____

I have a direct interest in the record(s) at issue as (check all that apply):

- ☐ An employee of the agency
- ☐ The owner of a record containing confidential or proprietary information or trademarked records
- ☐ A contractor or vendor
- ☐ Other: (attach additional pages if necessary) _____

I have attached a copy of all evidence and arguments I wish to submit in support of my position.

Respectfully submitted, _____ (must be signed)

Please submit this form to the Appeals Officer assigned to the appeal. Remember to copy all parties on this correspondence. The Office of Open Records will not consider direct interest filings submitted after a Final Determination has been issued in the appeal.

BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS

MATTHEW DOWLING,
Requester

v.

FAYETTE COUNTY RECORDER OF DEEDS,
Agency

OOR Dkt. AP 2026-2429

AGENCY'S RESPONSE AND POSITION STATEMENT

The Fayette County Recorder of Deeds Office, through its Recorder of Deeds and Agency Open Records Officer, submits the following response to the appeal filed by Matthew Dowling:

I. INTRODUCTION

The appeal should be denied because the Fayette County Recorder of Deeds Office has not charged the Requester for employee time, legal review, record retrieval, or the act of redacting records.

The Office assessed only the lawful copying fees authorized for a Recorder of Deeds under 42 P.S. § 21051. Because the estimated fees exceed \$100.00, the Office properly invoked its right to require prepayment pursuant to Section 1307(h) of the Pennsylvania Right-to-Know Law, 65 P.S. § 67.1307(h).

The Office identified approximately 860 uncertified paper pages responsive to the Request. If the Requester seeks copies of the complete responsive production, the applicable statutory copying fee is \$430.00.

If the Requester elects to inspect the records, approximately 775 pages must still be copied so that non-public information, including complete financial account numbers, may be securely redacted without permanently altering the original paper records. The copying fee associated with those necessary redacted copies is \$387.50.

II. FACTUAL BACKGROUND

1. The Requester submitted a request under the Pennsylvania Right-to-Know Law seeking records maintained by or involving the Fayette County Recorder of Deeds Office.

2. The Office conducted a good-faith search for responsive records.
3. The Office identified approximately 860 uncertified pages responsive to the Request.
4. The responsive records located by the Office are maintained in paper format rather than digital format.
5. Approximately 775 pages contain both information subject to public access and information that is not subject to public access.
6. Certain responsive records contain complete financial account numbers belonging to the Fayette County Recorder of Deeds Office and/or the County of Fayette.
7. Disclosure of the complete financial account numbers would create a reasonable likelihood of danger to the financial safety and security of the Recorder of Deeds Office and the County of Fayette.
8. The reasonably foreseeable risks include unauthorized withdrawals, fraudulent electronic transactions, the creation of fraudulent checks, unauthorized attempts to access public accounts, and the loss or diversion of public funds.
9. Unauthorized access to or loss of public funds could delay, disrupt, or impede the daily administrative and financial operations of the Recorder of Deeds Office and the County.
10. The complete financial account numbers are not material to the subject matter of the Request, and their redaction will not prevent the Requester from reviewing the responsive financial transactions, amounts, dates, payees, purposes, and other public information appearing in the records.
11. Pursuant to Section 706 of the RTKL, 65 P.S. § 67.706, the Office must redact information that is not subject to public access while providing access to the remaining public portions of the records.
12. The Office cannot apply the required redactions directly to the original paper records because doing so would permanently alter the original records maintained by the Office.
13. Therefore, before allowing inspection, the Office must make copies of the approximately 775 pages containing non-public information and apply the required redactions to those copies.
14. The redacted copies must then be reviewed to ensure that complete financial account numbers and other non-public information are not visible or otherwise disclosed during inspection.
15. The remaining approximately 85 pages do not require redaction and may be made available for inspection in their existing paper format without first making redacted copies.
16. The Office notified the Requester of the following access options:

- a. Copies of the complete responsive production:

860 pages × \$0.50 per page = \$430.00

b. Inspection of the responsive records:

775 pages that must be copied for secure redaction × \$0.50 per page = \$387.50

17. The Office did not impose any charge for searching for records, retrieving records, reviewing records, legal review, employee time, or the act of redacting information.
18. The assessed amounts consist solely of the statutory copying charge for copies requested by the Requester or copies that must be created to protect non-public information before inspection.
19. Both estimated amounts exceed \$100.00.
20. The Office therefore required prepayment pursuant to 65 P.S. § 67.1307(h).
21. The Office remains prepared to provide access after the Requester selects a method of access and submits the applicable prepayment.

III. LEGAL ARGUMENT

A. The \$0.50-per-page fee is specifically authorized by Pennsylvania law.

Section 1307(g) of the RTKL recognizes that fees established by another statute may control over the ordinary RTKL duplication schedule. See 65 P.S. § 67.1307(g).

The applicable Recorder of Deeds fee statute authorizes a charge of \$0.50 per page for uncertified copies. See 42 P.S. § 21051. That statute also provides that applicable fees are payable in advance.

The Office of Open Records' Official RTKL Fee Schedule expressly recognizes that a Recorder of Deeds may charge \$0.50 per uncertified page pursuant to 42 P.S. § 21051. Accordingly, the Office properly calculated the copying fee at \$0.50 per uncertified page.

B. The Office properly required prepayment.

Section 1307(h) of the RTKL provides:

"Prior to granting a request for access in accordance with this act, an agency may require a requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed \$100."

65 P.S. § 67.1307(h).

The estimated fee for copies of all 860 responsive pages is \$430.00. The estimated fee for the 775 copies that must be created to securely redact non-public information before inspection is \$387.50.

Because either amount exceeds \$100.00, the Office was authorized to require prepayment before preparing the records for access.

The prepayment requirement is not a denial of access. It is a lawful condition upon access when the estimated authorized fees exceed the statutory threshold.

C. The Office may charge for copies necessarily created to securely redact paper records before inspection.

The Office acknowledges that it may not charge a requester for employee time or for the act of redacting information. No such fee has been imposed.

The OOR's Official RTKL Fee Schedule provides that when a requester wishes to inspect records containing both public and non-public information, an agency may charge for copies it must make to securely redact the material before permitting inspection.

The responsive records in this matter are maintained in paper format. Approximately 775 pages contain information that must be redacted before access can be provided.

The Office cannot redact the original paper records because doing so would permanently alter the originals. The Office must therefore create copies of those 775 pages and apply the required redactions to the copies before permitting inspection.

The OOR has upheld the assessment of copying fees for paper bank records that must be copied before secure redactions can be made for inspection. See *Davies v. Greene Township*, OOR Dkt. AP 2023-3129 (Final Determination issued January 29, 2024).

The \$387.50 inspection prepayment is based only upon the 775 pages that must actually be copied for secure redaction.

The Office has not included the remaining 85 pages in the inspection calculation because those pages do not require redaction and may be inspected in their existing paper form.

This calculation demonstrates that the Office limited its fee to the copies reasonably and necessarily created to protect non-public information during inspection.

D. The disclosure of complete financial account numbers would create a reasonable likelihood of danger to the financial security of the Office and the County.

Section 708(b)(3) of the RTKL exempts:

“A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system.”

65 P.S. § 67.708(b)(3).

Complete financial account numbers appearing in the responsive records constitute information that could be used to gain unauthorized access to or facilitate fraudulent transactions involving public accounts and public funds.

Disclosure of those complete financial account numbers creates a reasonable likelihood of endangering the financial safety and security of the Fayette County Recorder of Deeds Office and/or the County of Fayette. The foreseeable risks include unauthorized withdrawals, fraudulent electronic transactions, the creation or use of fraudulent checks, unauthorized attempts to access public accounts, and the diversion or loss of public funds.

The loss, restriction, or unauthorized diversion of public funds could delay, disrupt, or impede the daily administrative and financial functions of the Recorder of Deeds Office and the County.

The OOR has recognized that an agency may redact its own bank account and routing numbers when the agency demonstrates that disclosure would create a reasonable likelihood of danger to the agency's security by permitting unauthorized access to public funds. See *Myer v. Radnor Township*, OOR Dkt. AP 2023-2422 (Final Determination issued November 27, 2023; Final Determination upon Reconsideration issued January 24, 2024).

In *Myer*, the OOR concluded that the township could redact its bank account and routing numbers to prevent unauthorized access to township funds.

The complete financial account numbers are not material to the subject matter of the present Request. Redacting the complete numbers will not prevent the Requester from reviewing the responsive transactions or other public financial information, including transaction dates, transaction amounts, payees, payment purposes, and account activity.

Accordingly, the Office may redact complete financial account numbers pursuant to Section 708(b)(3) while providing access to the remaining public portions of the records pursuant to Section 706 of the RTKL.

E. The Office provided reasonable access options.

The Requester may choose either of the following:

1. Receive copies of all 860 responsive pages, with legally required redactions, for an estimated statutory copying fee of \$430.00; or
2. Inspect the responsive records after prepaying the estimated \$387.50 cost of the 775 copies that must be created for secure redaction.

If the Requester first inspects the records and later requests the 775 copies already created for secure redaction, the Office will not impose an additional copying fee for those same pages.

If the Requester later requests copies of the remaining 85 pages that were not copied for inspection, the Office may assess the applicable statutory copying charge for those additional pages, totaling \$42.50.

F. The Office did not deny access or impose an unlawful redaction fee.

The Office has not refused to provide responsive public information.

The Office identified the responsive records, calculated the applicable statutory fees, explained the available methods of access, and remains willing to provide access after receiving the applicable prepayment.

The fee is not a charge for the act of redacting records. It is a copying fee authorized by 42 P.S. § 21051 for copies requested by the Requester or necessarily created to prevent the disclosure of complete financial account numbers and other non-public information during inspection.

IV. CONCLUSION

For the foregoing reasons, the Fayette County Recorder of Deeds Office respectfully requests that the Office of Open Records deny the appeal and uphold the Office's prepayment requirement and proposed redactions.

In the alternative, the Office requests that the OOR determine that:

1. The Office may charge \$0.50 per uncertified page pursuant to 42 P.S. § 21051;
2. The Office may require prepayment pursuant to 65 P.S. § 67.1307(h);

3. The estimated fee for copies of all 860 responsive pages is \$430.00;
4. The estimated fee for inspection is \$387.50 because 775 paper pages must be copied and securely redacted before inspection;
5. Complete financial account numbers may be redacted pursuant to Section 708(b)(3) of the RTKL because their disclosure would create a reasonable likelihood of danger to the financial security of the Recorder of Deeds Office and/or the County of Fayette; and
6. No additional copying fee will be imposed if the Requester obtains the 775 copies already created and paid for following inspection.

Respectfully submitted,



Jon R. Marietta Jr.
Fayette County Recorder of Deeds
Agency Open Records Officer
61 East Main Street
Uniontown, PA 15401
724-430-1238
jmarietta@fayettepa.org
Date: July 1, 2026

ATTESTATION OF JON R. MARIETTA JR.

I, Jon R. Marietta Jr., state the following based upon my personal knowledge and information obtained in the performance of my official duties:

1. I am the duly elected Fayette County Recorder of Deeds and serve as the Agency Open Records Officer for the Recorder of Deeds Office.
2. I am familiar with the records maintained by the Office and the Office's procedures for locating, reviewing, copying, redacting, and producing records.
3. The Office conducted a good-faith search for records responsive to Matthew Dowling's Right-to-Know Law request.
4. The search identified approximately 860 uncertified responsive pages.
5. The responsive records located by the Office for purposes of this Request are maintained in paper format.
6. Approximately 775 pages contain information subject to public access together with information that is not subject to public access and must be redacted before release or inspection.
7. Certain responsive records contain complete financial account numbers belonging to the Fayette County Recorder of Deeds Office and/or the County of Fayette.
8. Complete financial account numbers can be used or combined with other information to attempt unauthorized withdrawals, fraudulent electronic transactions, the creation or use of fraudulent checks, or other unauthorized transactions involving public funds.
9. Disclosure of the complete financial account numbers would create a reasonable likelihood of danger to the financial safety and security of the Recorder of Deeds Office and/or the County of Fayette.
10. Unauthorized access to, withdrawal from, or restriction of the affected accounts could result in the loss or diversion of public funds and could delay, disrupt, or impede the daily administrative and financial operations of the Recorder of Deeds Office and the County.
11. Redacting the complete financial account numbers will not prevent the Requester from reviewing the responsive public financial information, including transaction dates, amounts, payees, payment purposes, and other account activity.
12. The remaining approximately 85 pages do not require redaction before inspection.
13. The Office cannot apply redactions directly to the original paper records because doing so would permanently alter the original records maintained by the Office.
14. To protect the integrity of the original records and prevent disclosure of complete financial account numbers and other non-public information, the Office must

make copies of the approximately 775 pages and apply the required redactions to those copies.

15. The Office must review the resulting redacted copies before inspection to ensure that complete financial account numbers and other non-public information are not visible or otherwise disclosed.
16. The Office calculated the estimated fee for copies of all responsive pages as follows:

860 pages × \$0.50 per page = \$430.00.

17. The Office calculated the estimated fee for inspection as follows:

775 pages that must be copied for secure redaction × \$0.50 per page = \$387.50.

18. The \$0.50-per-page rate is the statutory fee authorized for uncertified Recorder of Deeds copies under 42 P.S. § 21051.
19. The Office has not charged the Requester for employee time, employee salary, legal review, record review, searching, retrieving records, or performing redactions.
20. The Office will reconcile the estimated fee against the actual number of copies necessarily created and address any difference between the estimated and actual amount.
21. The Office remains willing to provide the responsive public information after the Requester selects a method of access and pays the applicable lawful prepayment.

I verify that the statements made in this Attestation are true and correct to the best of my knowledge, information, and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Jon R. Marietta Jr.

Date: July 1, 2026

COMMONWEALTH OF PENNSYLVANIA :
SS
COUNTY OF FAYETTE :

AFFIDAVIT

I, Jon R. Marietta, Jr., Fayette County Recorder of Deeds, hereby swear or affirm that the disclosure of the complete financial account numbers of the Recorder of Deeds of Fayette County, pursuant to the subject Right to Know request, creates a reasonable likelihood of endangering the financial safety and security of the Office of the Recorder of Deeds and/or the County of Fayette. Such risks reasonably include the risk of unauthorized withdrawals, fraudulent electronic transactions, and the creation of fraudulent checks, and/or all of which would jeopardize or result in a loss of public funds, delay, disrupt and/or impede the day to day administrative function of the Recorder of Deeds Office.

I hereby verify that the averments set forth herein and in the Answer to RTK Appeal are true and correct. I understand that the averments of fact in the foregoing document are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsifications to authorities.

A handwritten signature in dark ink, appearing to read "Jon R. Marietta, Jr.", written over a horizontal line.

JON R. MARIETTA, JR.
FAYETTE COUNTY RECORDER OF DEEDS

Date: July 1, 2026



June 25, 2026

Via E-File Portal Only:

Matthew Dowling
273 Krulock Road
Uniontown, PA 15401
matthew@AmplifyPA.com

Via E-File Portal Only:

Morgan Keteles/Mark Rafail
Agency Open Records Officer
Fayette County
61 E. Main Street
Uniontown, PA 15401
fayettertk@fayettepa.org

Jon Marietta
Fayette County Recorder of Deeds
61 E Main St
Uniontown, PA 15401
jmarietta@fayettepa.org

RE: Dowling v. Fayette County OOR Dkt. AP 2026-2429

Dear Parties:

As the Request seeks records related to the Fayette County Recorder of Deeds, Jon Marietta, on behalf of the Fayette County Recorder of Deeds, as been accepted as a third party direct interest participant.

In the interest of due process and noting the upcoming 4th of July Holiday, the submission period is extended an additional week or until **July 9, 2026**.

It is my understanding that the County has identified records responsive to the Request and has imposed a duplication fee. Either party may submit, among other issue(s) raised and presented by both parties, why the duplication fee is appropriate and why the responsive records require redaction.

Thank-you for your attention in this matter.

Sincerely,

/s/ Lyle Hartranft

Lyle Hartranft

BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS

MATTHEW DOWLING,
Requester

v.

FAYETTE COUNTY RECORDER OF DEEDS,
Agency

OOR Dkt. AP 2026-2429

AGENCY'S RESPONSE AND POSITION STATEMENT

The Fayette County Recorder of Deeds Office, through its Recorder of Deeds and Agency Open Records Officer, submits the following response to the appeal filed by Matthew Dowling:

I. INTRODUCTION

The appeal should be denied because the Fayette County Recorder of Deeds Office has not charged the Requester for employee time, legal review, record retrieval, or the act of redacting records.

The Office assessed only the lawful copying fees authorized for a Recorder of Deeds under 42 P.S. § 21051. Because the estimated fees exceed \$100.00, the Office properly invoked its right to require prepayment pursuant to Section 1307(h) of the Pennsylvania Right-to-Know Law, 65 P.S. § 67.1307(h).

The Office identified approximately 860 uncertified paper pages responsive to the Request. If the Requester seeks copies of the complete responsive production, the applicable statutory copying fee is \$430.00.

If the Requester elects to inspect the records, approximately 775 pages must still be copied so that non-public information, including complete financial account numbers, may be securely redacted without permanently altering the original paper records. The copying fee associated with those necessary redacted copies is \$387.50.

II. FACTUAL BACKGROUND

1. The Requester submitted a request under the Pennsylvania Right-to-Know Law seeking records maintained by or involving the Fayette County Recorder of Deeds Office.

2. The Office conducted a good-faith search for responsive records.
3. The Office identified approximately 860 uncertified pages responsive to the Request.
4. The responsive records located by the Office are maintained in paper format rather than digital format.
5. Approximately 775 pages contain both information subject to public access and information that is not subject to public access.
6. Certain responsive records contain complete financial account numbers belonging to the Fayette County Recorder of Deeds Office and/or the County of Fayette.
7. Disclosure of the complete financial account numbers would create a reasonable likelihood of danger to the financial safety and security of the Recorder of Deeds Office and the County of Fayette.
8. The reasonably foreseeable risks include unauthorized withdrawals, fraudulent electronic transactions, the creation of fraudulent checks, unauthorized attempts to access public accounts, and the loss or diversion of public funds.
9. Unauthorized access to or loss of public funds could delay, disrupt, or impede the daily administrative and financial operations of the Recorder of Deeds Office and the County.
10. The complete financial account numbers are not material to the subject matter of the Request, and their redaction will not prevent the Requester from reviewing the responsive financial transactions, amounts, dates, payees, purposes, and other public information appearing in the records.
11. Pursuant to Section 706 of the RTKL, 65 P.S. § 67.706, the Office must redact information that is not subject to public access while providing access to the remaining public portions of the records.
12. The Office cannot apply the required redactions directly to the original paper records because doing so would permanently alter the original records maintained by the Office.
13. Therefore, before allowing inspection, the Office must make copies of the approximately 775 pages containing non-public information and apply the required redactions to those copies.
14. The redacted copies must then be reviewed to ensure that complete financial account numbers and other non-public information are not visible or otherwise disclosed during inspection.
15. The remaining approximately 85 pages do not require redaction and may be made available for inspection in their existing paper format without first making redacted copies.
16. The Office notified the Requester of the following access options:

- a. Copies of the complete responsive production:

860 pages × \$0.50 per page = \$430.00

b. Inspection of the responsive records:

775 pages that must be copied for secure redaction × \$0.50 per page = \$387.50

17. The Office did not impose any charge for searching for records, retrieving records, reviewing records, legal review, employee time, or the act of redacting information.
18. The assessed amounts consist solely of the statutory copying charge for copies requested by the Requester or copies that must be created to protect non-public information before inspection.
19. Both estimated amounts exceed \$100.00.
20. The Office therefore required prepayment pursuant to 65 P.S. § 67.1307(h).
21. The Office remains prepared to provide access after the Requester selects a method of access and submits the applicable prepayment.

III. LEGAL ARGUMENT

A. The \$0.50-per-page fee is specifically authorized by Pennsylvania law.

Section 1307(g) of the RTKL recognizes that fees established by another statute may control over the ordinary RTKL duplication schedule. See 65 P.S. § 67.1307(g).

The applicable Recorder of Deeds fee statute authorizes a charge of \$0.50 per page for uncertified copies. See 42 P.S. § 21051. That statute also provides that applicable fees are payable in advance.

The Office of Open Records' Official RTKL Fee Schedule expressly recognizes that a Recorder of Deeds may charge \$0.50 per uncertified page pursuant to 42 P.S. § 21051. Accordingly, the Office properly calculated the copying fee at \$0.50 per uncertified page.

B. The Office properly required prepayment.

Section 1307(h) of the RTKL provides:

"Prior to granting a request for access in accordance with this act, an agency may require a requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed \$100."

65 P.S. § 67.1307(h).

The estimated fee for copies of all 860 responsive pages is \$430.00. The estimated fee for the 775 copies that must be created to securely redact non-public information before inspection is \$387.50.

Because either amount exceeds \$100.00, the Office was authorized to require prepayment before preparing the records for access.

The prepayment requirement is not a denial of access. It is a lawful condition upon access when the estimated authorized fees exceed the statutory threshold.

C. The Office may charge for copies necessarily created to securely redact paper records before inspection.

The Office acknowledges that it may not charge a requester for employee time or for the act of redacting information. No such fee has been imposed.

The OOR's Official RTKL Fee Schedule provides that when a requester wishes to inspect records containing both public and non-public information, an agency may charge for copies it must make to securely redact the material before permitting inspection.

The responsive records in this matter are maintained in paper format. Approximately 775 pages contain information that must be redacted before access can be provided.

The Office cannot redact the original paper records because doing so would permanently alter the originals. The Office must therefore create copies of those 775 pages and apply the required redactions to the copies before permitting inspection.

The OOR has upheld the assessment of copying fees for paper bank records that must be copied before secure redactions can be made for inspection. See *Davies v. Greene Township*, OOR Dkt. AP 2023-3129 (Final Determination issued January 29, 2024).

The \$387.50 inspection prepayment is based only upon the 775 pages that must actually be copied for secure redaction.

The Office has not included the remaining 85 pages in the inspection calculation because those pages do not require redaction and may be inspected in their existing paper form.

This calculation demonstrates that the Office limited its fee to the copies reasonably and necessarily created to protect non-public information during inspection.

D. The disclosure of complete financial account numbers would create a reasonable likelihood of danger to the financial security of the Office and the County.

Section 708(b)(3) of the RTKL exempts:

“A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system.”

65 P.S. § 67.708(b)(3).

Complete financial account numbers appearing in the responsive records constitute information that could be used to gain unauthorized access to or facilitate fraudulent transactions involving public accounts and public funds.

Disclosure of those complete financial account numbers creates a reasonable likelihood of endangering the financial safety and security of the Fayette County Recorder of Deeds Office and/or the County of Fayette. The foreseeable risks include unauthorized withdrawals, fraudulent electronic transactions, the creation or use of fraudulent checks, unauthorized attempts to access public accounts, and the diversion or loss of public funds.

The loss, restriction, or unauthorized diversion of public funds could delay, disrupt, or impede the daily administrative and financial functions of the Recorder of Deeds Office and the County.

The OOR has recognized that an agency may redact its own bank account and routing numbers when the agency demonstrates that disclosure would create a reasonable likelihood of danger to the agency's security by permitting unauthorized access to public funds. See *Myer v. Radnor Township*, OOR Dkt. AP 2023-2422 (Final Determination issued November 27, 2023; Final Determination upon Reconsideration issued January 24, 2024).

In *Myer*, the OOR concluded that the township could redact its bank account and routing numbers to prevent unauthorized access to township funds.

The complete financial account numbers are not material to the subject matter of the present Request. Redacting the complete numbers will not prevent the Requester from reviewing the responsive transactions or other public financial information, including transaction dates, transaction amounts, payees, payment purposes, and account activity.

Accordingly, the Office may redact complete financial account numbers pursuant to Section 708(b)(3) while providing access to the remaining public portions of the records pursuant to Section 706 of the RTKL.

E. The Office provided reasonable access options.

The Requester may choose either of the following:

1. Receive copies of all 860 responsive pages, with legally required redactions, for an estimated statutory copying fee of \$430.00; or
2. Inspect the responsive records after prepaying the estimated \$387.50 cost of the 775 copies that must be created for secure redaction.

If the Requester first inspects the records and later requests the 775 copies already created for secure redaction, the Office will not impose an additional copying fee for those same pages.

If the Requester later requests copies of the remaining 85 pages that were not copied for inspection, the Office may assess the applicable statutory copying charge for those additional pages, totaling \$42.50.

F. The Office did not deny access or impose an unlawful redaction fee.

The Office has not refused to provide responsive public information.

The Office identified the responsive records, calculated the applicable statutory fees, explained the available methods of access, and remains willing to provide access after receiving the applicable prepayment.

The fee is not a charge for the act of redacting records. It is a copying fee authorized by 42 P.S. § 21051 for copies requested by the Requester or necessarily created to prevent the disclosure of complete financial account numbers and other non-public information during inspection.

IV. CONCLUSION

For the foregoing reasons, the Fayette County Recorder of Deeds Office respectfully requests that the Office of Open Records deny the appeal and uphold the Office's prepayment requirement and proposed redactions.

In the alternative, the Office requests that the OOR determine that:

1. The Office may charge \$0.50 per uncertified page pursuant to 42 P.S. § 21051;
2. The Office may require prepayment pursuant to 65 P.S. § 67.1307(h);

3. The estimated fee for copies of all 860 responsive pages is \$430.00;
4. The estimated fee for inspection is \$387.50 because 775 paper pages must be copied and securely redacted before inspection;
5. Complete financial account numbers may be redacted pursuant to Section 708(b)(3) of the RTKL because their disclosure would create a reasonable likelihood of danger to the financial security of the Recorder of Deeds Office and/or the County of Fayette; and
6. No additional copying fee will be imposed if the Requester obtains the 775 copies already created and paid for following inspection.

Respectfully submitted,



Jon R. Marietta Jr.
Fayette County Recorder of Deeds
Agency Open Records Officer
61 East Main Street
Uniontown, PA 15401
724-430-1238
jmarietta@fayettepa.org
Date: July 1, 2026

ATTESTATION OF JON R. MARIETTA JR.

I, Jon R. Marietta Jr., state the following based upon my personal knowledge and information obtained in the performance of my official duties:

1. I am the duly elected Fayette County Recorder of Deeds and serve as the Agency Open Records Officer for the Recorder of Deeds Office.
2. I am familiar with the records maintained by the Office and the Office's procedures for locating, reviewing, copying, redacting, and producing records.
3. The Office conducted a good-faith search for records responsive to Matthew Dowling's Right-to-Know Law request.
4. The search identified approximately 860 uncertified responsive pages.
5. The responsive records located by the Office for purposes of this Request are maintained in paper format.
6. Approximately 775 pages contain information subject to public access together with information that is not subject to public access and must be redacted before release or inspection.
7. Certain responsive records contain complete financial account numbers belonging to the Fayette County Recorder of Deeds Office and/or the County of Fayette.
8. Complete financial account numbers can be used or combined with other information to attempt unauthorized withdrawals, fraudulent electronic transactions, the creation or use of fraudulent checks, or other unauthorized transactions involving public funds.
9. Disclosure of the complete financial account numbers would create a reasonable likelihood of danger to the financial safety and security of the Recorder of Deeds Office and/or the County of Fayette.
10. Unauthorized access to, withdrawal from, or restriction of the affected accounts could result in the loss or diversion of public funds and could delay, disrupt, or impede the daily administrative and financial operations of the Recorder of Deeds Office and the County.
11. Redacting the complete financial account numbers will not prevent the Requester from reviewing the responsive public financial information, including transaction dates, amounts, payees, payment purposes, and other account activity.
12. The remaining approximately 85 pages do not require redaction before inspection.
13. The Office cannot apply redactions directly to the original paper records because doing so would permanently alter the original records maintained by the Office.
14. To protect the integrity of the original records and prevent disclosure of complete financial account numbers and other non-public information, the Office must

make copies of the approximately 775 pages and apply the required redactions to those copies.

15. The Office must review the resulting redacted copies before inspection to ensure that complete financial account numbers and other non-public information are not visible or otherwise disclosed.
16. The Office calculated the estimated fee for copies of all responsive pages as follows:

860 pages × \$0.50 per page = \$430.00.

17. The Office calculated the estimated fee for inspection as follows:

775 pages that must be copied for secure redaction × \$0.50 per page = \$387.50.

18. The \$0.50-per-page rate is the statutory fee authorized for uncertified Recorder of Deeds copies under 42 P.S. § 21051.
19. The Office has not charged the Requester for employee time, employee salary, legal review, record review, searching, retrieving records, or performing redactions.
20. The Office will reconcile the estimated fee against the actual number of copies necessarily created and address any difference between the estimated and actual amount.
21. The Office remains willing to provide the responsive public information after the Requester selects a method of access and pays the applicable lawful prepayment.

I verify that the statements made in this Attestation are true and correct to the best of my knowledge, information, and belief. I understand that false statements made herein are subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



Jon R. Marietta Jr.

Date: July 1, 2026

COMMONWEALTH OF PENNSYLVANIA :
SS
COUNTY OF FAYETTE :

AFFIDAVIT

I, Jon R. Marietta, Jr., Fayette County Recorder of Deeds, hereby swear or affirm that the disclosure of the complete financial account numbers of the Recorder of Deeds of Fayette County, pursuant to the subject Right to Know request, creates a reasonable likelihood of endangering the financial safety and security of the Office of the Recorder of Deeds and/or the County of Fayette. Such risks reasonably include the risk of unauthorized withdrawals, fraudulent electronic transactions, and the creation of fraudulent checks, and/or all of which would jeopardize or result in a loss of public funds, delay, disrupt and/or impede the day to day administrative function of the Recorder of Deeds Office.

I hereby verify that the averments set forth herein and in the Answer to RTK Appeal are true and correct. I understand that the averments of fact in the foregoing document are made subject to the penalties of 18 Pa.C.S.A. Section 4904 relating to unsworn falsifications to authorities.

A handwritten signature in dark ink, appearing to read 'Jon R. Marietta, Jr.', is written over a horizontal line.

JON R. MARIETTA, JR.
FAYETTE COUNTY RECORDER OF DEEDS

Date: July 1, 2026