

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

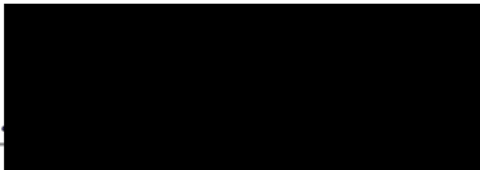
For the foregoing reasons, the Fayette County Recorder of Deeds Office respectfully requests that the Office of Open Records deny the appeal and uphold the Office's prepayment requirement and proposed redactions.

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:

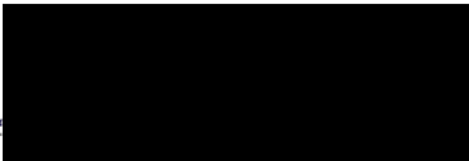
$860 \text{ pages} \times \$0.50 \text{ per page} = \$430.00.$

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

$775 \text{ pages that must be copied for secure redaction} \times \$0.50 \text{ per page} = \$387.50.$

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.

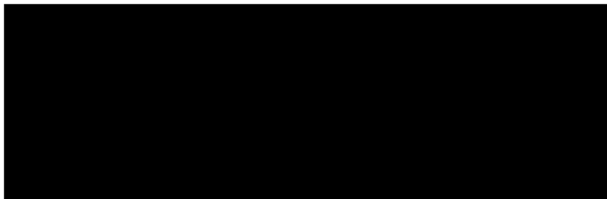
Date: July 1, 2026

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.



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

Date: July 1, 2026