



FINAL DETERMINATION

IN THE MATTER OF	:
	:
QUINN GLABICKI and PITTSBURGH'S	:
PUBLIC SOURCE,	:
Requester	:
	: Docket No: AP 2026-1297
v.	:
	:
SPRINGDALE BOROUGH,	:
Respondent	:

FACTUAL BACKGROUND

On February 12, 2026, Quinn Glabicki and Pittsburgh's Public Source (collectively "Requester") submitted a request ("Request") to Springdale Borough ("Borough") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.*, seeking:

[1.] Any emailed correspondence, including attachments, that meet all of the following criteria:

- Include as sender, recipient or carbon copy at least one of the following:
 - a) Police Chief Derek Dayoub[;]
 - b) Mayor Joel Anderson[; and]
 - c) Council President Mike Ziencik[.]
- Include as sender, recipient or carbon copy any agent or representative of U.S. Immigration and Customs Enforcement [("ICE")] or the U.S. Department of Homeland Security [("DHS")].
- Include at least one of the following keywords:
 - a) 287 or 287(g)[;]
 - b) agreement[;]

- c) detain[;]
- d) arrest[; and]
- e) partner or partnership[.]

- Dated since January 1, 2025.

[2.] Any text messages, including attachments, that meet the following criteria:

- Include as sender or recipient at least one of the following:
 - a) Police Chief Derek Dayoub[;]
 - b) Mayor Joel Anderson[; and]
 - c) Council President Mike Ziencik[.]
- Include as sender or recipient agent or representative of [ICE] or [DHS].
- Include one of the following keywords[:]:
 - a) 287 or 287(g)[;]
 - b) agreement[;]
 - c) detain[;]
 - d) arrest[; and]
 - e) partner or partnership[.]
- Dated since January 1, 2025.

[3.] Any records reflecting offers or receipt of money, equipment or other remuneration received or extended to [the Borough] in relation to cooperation with ICE or DHS.

On March 20, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Borough denied the Request, claiming that the Request is insufficiently specific, 65 P.S. § 67.703, and that the disclosure of the responsive records is likely to threaten the personal security of an individual, public safety and public infrastructure, 65 P.S. §§ 67.708(b)(1), (2), (3). Additionally, the Borough claims responsive records are exempt criminal investigative records, 65 P.S. § 67.708(b)(16).¹

On March 31, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. The Requester also requests

¹ As the Borough does not address the security or criminal investigative exemptions during the pendency of the appeal, the OOR deems the arguments waived and will not further address these exemptions in this Final Determination.

a log of withheld records, as well as an *in camera* review of the records withheld by the Borough. The OOR invited both parties to supplement the record and directed the Borough to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On April 16, 2026, the Borough submitted a position statement, and in conjunction, provided records responsive to the Request. The Borough further asserted that additional responsive records do not exist in the Borough's possession, custody or control. In support of its position, the Borough submitted three attestations made subject to the penalties under 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities, authored by: Joel Anderson ("Anderson Attestation"), the Borough's Mayor; Michael Vargus ("Vargus Attestation"), the Borough's IT Director; and Michael Ziencik ("Ziencik Attestation"), the Borough's Council President.

On April 20, 2026, the Requester submitted correspondence, asserting that additional responsive records should exist.²

LEGAL ANALYSIS

The Borough is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the Borough is required to demonstrate, "by a preponderance of the evidence," that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as "such proof as leads the fact-finder ... to find that the existence of a contested fact is more probable than its nonexistence." *Pa. State Troopers Ass'n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep't of Transp. v. Agric. Lands*

² The evidentiary record originally closed in this appeal on April 13, 2026; however, the OOR granted evidentiary submission extensions to both parties through noon on April 20, 2026. *See* 65 P.S. § 67.1102(b)(3) (stating that "the appeals officer shall rule on procedural matters on the basis of justice, fairness, and the expeditious resolution of the dispute").

Condemnation Approval Bd., 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)). Likewise, “[t]he burden of proving a record does not exist ... is placed on the agency responding to the right-to-know request.” *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011). While the Requester sought an *in camera* review of withheld records, the OOR has sufficient information and evidence before it to adjudicate the matter. Therefore, the request for *in camera* review is denied.

1. The appeal is moot as it relates to the records provided during the pendency of the appeal

During the appeal, the Borough provided 3 pages of responsive emails to the Requester in conjunction with its appeal submission.³ See Vargus Attestation ¶ 5.⁴ As such, the appeal as it relates to the records provided is dismissed as moot. See *Chester Water Auth. v. Pa. Dep’t of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records, and thus, “the controversy has been mooted”).

2. The Borough demonstrated that additional responsive records do not exist in its possession, custody or control

The Borough asserts a good faith search for responsive records was performed and other than the records provided, no further responsive records exist in its possession, custody or control. In response to a request for records, “an agency shall make a good faith effort to determine if ... the agency has possession, custody or control of the record[.]” 65 P.S. § 67.901. While the RTKL

³ As noted by the Borough, the attachment to the first email included in the responsive records can be found at https://www.ice.gov/doclib/287gMOA/SpringdaleBoroughPoliceDeptPA_TFM_MOA_11062025.pdf (last accessed by the OOR on April 22, 2026).

⁴ Under the RTKL, a sworn affidavit or statement made under the penalty of perjury may serve as sufficient evidentiary support. See *Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any evidence that the Borough has acted in bad faith or that responsive records exist, “the averments in the [attestations] should be accepted as true.” *McGowan v. Pa. Dep’t of Envtl. Prot.*, 103 A.3d 374, 382-83 (Pa. Commw. Ct. 2014) (citing *Office of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

does not define the term “good faith effort,” in *Uniontown Newspapers, Inc. v. Pa. Dep’t of Corr.*, the Commonwealth Court stated:

As part of a good faith search, the open records officer has a duty to advise all custodians of potentially responsive records about the request, and to obtain all potentially responsive records from those in possession... When records are not in an agency’s physical possession, an open records officer has a duty to contact agents within its control, including third-party contractors ... After obtaining potentially responsive records, an agency has the duty to review the records and assess their public nature under ... the RTKL.

185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (citations omitted), *aff’d*, 243 A.3d 19 (Pa. 2020).

An agency must show, through detailed evidence submitted in good faith from individuals with knowledge of the agency’s records, that it has conducted a search reasonably calculated to uncover all relevant documents. *See Burr v. Pa. Dep’t of Health*, OOR Dkt. AP 2021-0747, 2021 PA O.O.R.D. LEXIS 750; *see also Mollick v. Twp. of Worcester*, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011).

Here, the Request seeks records related to the Borough’s interaction and cooperation with ICE or DHS. In support of the Borough’s argument that it does not possess additional responsive records, the Vargus Attestation indicates, in relevant part, as follows:

2. Chief of Police Derek Dayoub requested that I perform a search of the Borough[‘s] emails to determine if there were any email communications that met the criteria identified in the RTKL [R]equest from [the Requester] for email correspondence.
3. On April 14, 2026, I performed the search utilizing the criteria identified and found five emails, all from Chief Dayoub’s email account.
4. The first is an email from Chief Dayoub to ERO287g@ICE.dhs.gov[,] dated November 4, 2025, forwarding the MOU for the department. The second is an[] email from ER0287g@ICE.dhs.gov[,] dated November 4, 2025, acknowledging receipt of the MOU for the department. The other three were from ERORPA-287g-TFM@ice.dhs.gov, dated February 18, 2026, March 18, 2026, and April 15, 2026 all relating to payroll submission template training and providing a Microsoft Teams link to join the meeting.

5. There were no other email communications on the Borough system that matched the criteria for emailed correspondence.

6. Chief Dayoub also requested that I perform a search on his mobile device in order to determine whether there were any text messages that met the criteria for text messages in the RTKL [R]equest.

7. I performed the search and found no text messages that met the criteria requested.

In further support of the Borough's position, the Ziencik and Anderson Attestations indicate that neither individual has sent, received or been copied on a text message from or to any agent of ICE or DHS, which was confirmed by searches performed on their mobile devices. *See* Ziencik Attestation ¶¶ 2-4; *see also* Anderson Attestation ¶¶ 2-4.

The Borough's attestations were authored by two individuals named in the Request and the Borough's IT Director, individuals with knowledge of the Borough's records relevant to the Request. The Borough has demonstrated that a good faith search for responsive records was performed, which included searches within Borough's email accounts and the mobile devices of the individuals named in the Request. Anderson Attestation ¶¶ 2, 3; Vargus Attestation ¶¶ 3, 6; Ziencik Attestation ¶¶ 2, 3. Thus, based on the evidence provided, the Borough has demonstrated that it does not possess additional responsive records. While the Requester asserts additional records should exist based upon similar requests with other similar agencies and the Borough's involvement with an incident involving ICE on February 10, 2026, there has been no sufficient evidence provided that otherwise contradicts the statements offered by the Borough in the statement submitted. *See Pa. Dep't of Health v. Mahon*, 283 A.3d 929 (Pa. Commw. Ct. 2022). Specifically, the involvement in the incident does not prove there were emails or texts responsive to the Request or remuneration provided to the Borough. Therefore, based on the evidence

provided, the Borough has met its burden of proof that additional records responsive to the Request do not exist.⁵ *Hodges*, 29 A.3d at 1192.

CONCLUSION

For the foregoing reasons, the appeal is **denied in part** and **dismissed as moot in part**, and, within thirty days, the Borough is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Allegheny County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL; however, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.⁶ 65 P.S. § 67.1303. All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: April 29, 2026

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ.
APPEALS OFFICER

Sent via portal only to: Quinn Glabicki; Craig Alexander, Esq.; Mary Wygonik

⁵ The OOR makes no determination as to whether records *should* exist or whether the Borough should have saved the attachments to the grant application, as our inquiry is limited to only whether or not records are “in existence and in possession of the ... agency at the time of the right-to-know request.” *Moore*, 992 A.2d at 909; *see also* 65 P.S. § 67.705.

⁶ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).