



The Township argues that no additional responsive records exist. 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 identified record[.]” 65 P.S. § 67.901. While the RTKL 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 all 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).

On May 7, 2026, the Township submitted a statement made under the penalties set forth in 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities, from William Gildea-Walker (“AORO Gildea-Walker”), the Township’s Open Records Officer, who attests that a search was conducted and that no additional responsive records exist in the Township’s possession, custody or control.<sup>1</sup> AORO Gildea-Walker further attests that he conducted a search for records and also

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<sup>1</sup> 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 Township has acted in bad faith or that additional responsive records exist, “the averments in [the statement] should be accepted as true.” *McGowan v. Pa. Dep’t of Env’tl. 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)).

directed the Township Engineer and personnel in the Township Code Department to conduct a search of their records, including the property file for property identified in the Request. *See*, ¶ 3. OARO Gildea-Walker attests that responsive records were provided to the Requester in an April 21, 2026 email, which the Requester confirms receipt of in the appeal statement. *Id.*, ¶4. AORO Gildea-Walker attests that all responsive records in the Township's possession, custody or control were provided in response to this Request and prior requests. *Id.*, ¶¶ 4-6.

The Requester asserts that, based on the records provided, there are certain records missing from the record production. The Requester asks the OOR to order the Township to conduct supplemental search and the production of additional responsive records and, if no additional records exist, that the Township provide an attestation detailing the search and attesting that no additional records exist. The Gildea-Walker Attestation provides the necessary detail regarding the Township's search, including the Township's contact with its the third-party Township Engineer, Gilmore Associates. We find that the Gildea-Walker sufficiently proves that a good faith search was conducted and no additional responsive records exist. Therefore, based on the evidence provided, the Township has met its burden of proof that it does not possess additional records responsive to the Request. *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For the foregoing reasons, the appeal is **denied**, and the Township is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Montgomery County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303, but as the quasi-judicial tribunal adjudicating this

matter, the OOR is not a proper party to any appeal and should not be named as a party.<sup>2</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto:oor-postfd@pa.gov). This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: May 19, 2026**

*/s/ Kelly C. Isenberg*

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KELLY C. ISENBERG  
DEPUTY CHIEF COUNSEL

Sent via OOR E-file Portal: Nicholas Graham; John Walkok, Esq.; William Gildea-Walker, AORO

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