



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

**JUSTIN COPPOLA,
Requester**

v.

**WASHINGTON COUNTY,
Respondent**

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Docket No: AP 2026-1495

On March 5, 2026, Justin Coppola (“Requester”) submitted a request (“Request”) to Washington County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking various records “regarding the Courthouse Square Demolition and associated vendors (Adamo Demolition/ADMCO, JG Contracting Co., Neiswonger Construction, and Chapman Properties)”, including bid records, statements of financial interests, communications between the contractors and County officials, and correspondence regarding insurance claims. On March 12, 2026, the County extended its time to respond by thirty (30) days. 65 P.S. § 67.902(b)(2). On April 10, 2026, the County sought an additional extension, which the Requester did not agree to. *Id.* On April 13, 2026, the County partially denied the Request, providing some responsive records, but arguing that certain records do not exist, and that certain bid records are exempt under the RTKL. *See* 65 P.S. §§67.708(b)(12), (26).

On April 14, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), setting forth four (4) separate grounds for the appeal: 1) that the County failed to conduct a good

faith search for records because it did not contact the County Controller’s office, 2) that the County did not provide statements of financial interests for Commissioner Janis, 3) that the County is incorrect about its claims of non-existence with respect to responsive emails, and 4) that the County improperly withheld bid scoring sheets because “[o]nce the Board of Commissioners voted to award the contract, the scoring data used to justify that public expenditure became a public record.” The Requester also requested that the OOR conduct an *in camera* review “of the officials’ email accounts and the withheld scoring sheets.” The OOR invited both parties to supplement the record and informed the County that notice to third parties may be necessary, 65 P.S. § 67.1101(c).

On April 24, 2026, the County provided the attestation, made pursuant to 18 Pa.C.S. § 4904, of Cynthia Griffin, the County’s Chief Clerk Agency Open Records Officer (“Griffin Attestation”). The Griffin Attestation simply states that “the only documents on file that were responsive to the request” were provided to the Requester, and that “a diligent search of all County records was completed and all pertinent data on file in response to the request has been provided to the Requester.” Later that date, the OOR’s Appeals Officer¹ requested that the County supplement its response by providing “an affidavit or attestation that provides a detailed description of the County’s search for responsive records, legal justification for any exemptions that may support nondisclosure, and a clear statement about which responsive records do not exist.”

On May 1, 2026, the County submitted the sworn attestation of Cynthia Griffin in response (“Griffin Revised Affidavit”), which states, in relevant part:

In response to Q.1² above for copies of all best and final offers, bid scoring sheets, and bid tabulations for contracts awarded to the aforementioned companies, (Adamo Demolition/ ADMCO, JG Contracting Co., Neiswonger

¹ The appeal was later reassigned to the undersigned.

² The County numbered each item of the Request as Q.1, Q.2, Q.3, and Q.4

Construction, and Chapman Properties), this request is approved in part and denied in part.

For copies of the bids for Adamo Demolition/ADMCO, JG Contracting Co., this request is approved, and the documents were attached to the email sent to the Requester. For information associated with Neiswonger Construction and Chapman Properties, this request is denied; no documents exist. For this information, the Requester would need to contact the Redevelopment Authority of the County of Washington (RACW), since the agreements are with RACW, not the County.

The Requester asked "for copies of all best and final offers and bid scoring sheets for contracts awarded to the aforementioned companies Adamo Demolition/ ADMCO and JG Contracting Co., [“]for copies of all best and final offers and bid scoring sheets for contracts awarded” was denied since notes and working papers are exempt under the RTKL Section 708(6)(12) - notes and working papers prepared by or for public official or agency employee used solely for that official’s or employee’s own personal use, including telephone message slips and other materials that do not have an official purpose. My apologies for stating exemption RTKL 708(b)(26), this was a typo.

In response to Q.1 above for ‘emergency’ funding authorizations approved for these projects since January 1, 2025, this request was denied because there are no ‘emergency’ funding authorizations.

In response to Q.2 above for copies of Statements of Financial Interest for 2024 and 2025, this request is granted in part and denied in part. In response to the request for the Statements of Financial Interest for 2024, the documents were attached to the email. But I didn’t have the Statements of Financial Interest for 2025, since they were not due until May, 2026.

For copies of the 'Contractor Integrity' or 'Conflict of Interest' disclosure forms submitted by Adamo Demolition and JG Contracting as part of their 2025 bid packages, this request was granted, and the documents were attached to the email under “Anticollision Affidavit,” and the forms were for the two vendors.

In response to Q.3 above regarding all emails between the aforementioned contractors and the following County officials/staff, this request is denied; no documents exist. County officials and staff were contacted regarding emails between the contractors and staff mentioned above, and no emails exist.

In response to Q.4 above regarding all correspondence involving the Commissioners, Daryl Price, or the County Solicitor regarding insurance claims or liability indemnification related to the March 3, 2026, equipment accident at Courthouse Square, this request was denied because no documents exist. There

are no insurance claims from Washington County. This incident falls directly under ADAMO's liability insurance. The Requester would need to contact them directly for copies of the insurance claims.

In conclusion, I have contacted all relevant parties for documents that are responsive to the above requests. In addition, a diligent search of all County records was completed and all pertinent data on file in response to the request has been provided to the Requester.

Later that date, and in response to the Griffin Revised Affidavit, the Requester submitted a rebuttal, arguing that the search was legally deficient, the County's claim that emails do not exist lacks credibility, that the County has not provided statements of financial interests for Commissioner Janis, and that the OOR should conduct an *in camera* review for the withheld bid scoring sheets.³

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.

³ On May 2, 2026, the Requester made an additional submission, arguing that attached exhibits show that he is unable to deliver emails to County officials. However, this claim is irrelevant to the issues before the OOR.

2011). Under the RTKL, a sworn attestation may serve as sufficient evidentiary support. *See Sherry v. Radnor Twp. Sch. Dist.*, 20 A.3d 515, 520-21; *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). However, conclusory statements are insufficient to meet an agency's burden of proof under the RTKL. *See Office of the Governor v. Scolforo*, 65 A.3d 1095, 1130 (Pa. Commw. Ct. 2013) (“[A] generic determination or conclusory statements are not sufficient to justify the exemption of public records”); *Pa. Dep’t of Educ. v. Bagwell*, 131 A.3d 638, 659 (Pa. Commw. Ct. 2016) (“Affidavits that are conclusory or merely parrot the exemption do not suffice”).

While the Griffin Revised Affidavit sets forth the County's argument with respect to most of the requested records, it does not adequately describe the County's search or establish that a search was conducted to meet the requirements of 65 P.S. § 67.901. The Griffin Revised Affidavit does not describe what records were searched or by whom, and does not identify who was consulted about the Request, only unnamed “County officials/staff” and “all relevant parties.” The Griffin Revised Affidavit *does* set forth an explanation of what other parties might possess “information associated with Neiswonger Construction and Chapman Properties” and “correspondence involving the Commissioners, Daryl Price, or the County Solicitor regarding insurance claims or liability indemnification related to the March 3, 2026, equipment accident at Courthouse Square,” but it does not sufficiently establish that the County itself does not possess the records, or with respect to the latter, why the County is unable to obtain the records from ADAMO. *See* 65 P.S. § 67.506(d). Further, the Griffin Revised Affidavit does not address the Requester's appeal, specifically that no statements of financial interests were provided with respect to Commissioner Janis.⁴ Therefore, the County did not meet its burden

⁴ The Griffin Revised Affidavit *implies* that these records were not provided because they were not completed at the time of the Request, but an implication is not sufficient to meet an agency's burden of proof.

of proving that certain records do not exist. *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

Finally, the County argues that bid scoring sheets are exempt under Section 708(b)(12) of the RTKL. This exemption covers “[n]otes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose.” 65 P.S. § 67.708(b)(12). However, the Griffin Revised Affidavit merely concludes that the bid scoring sheets are exempt, without explaining *why* the records are exempt. Therefore, the County did not provide actual evidence that the records are exempt from disclosure, and thus, did not meet its burden of proof. 65 P.S. § 67.708(a)(1).

For the foregoing reasons, the appeal is **granted**, and the County is required to provide all additional records.⁵ If, after conducting such a search, the County determines that no responsive records exist, the County shall explain its search and its conclusion in an attestation or affidavit provided to the Requester. 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 Washington 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 appeal⁶ and should not be named as a party.⁶ All documents or communications following the issuance of this Final Determination shall be sent to

⁵ Although the Requester has requested that the OOR conduct an *in camera* review of records, that request is denied. This Final Determination notably grants access to the bid scoring sheets, and there is no legal authority permitting the OOR to conduct an *in camera* review of public officials' email accounts to search for responsive records. *Cf.* 65 P.S. § 67.901 (agencies must conduct the search for records).

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

oor-postfd@pa.gov. This Final Determination shall be placed on the website at:
<http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: June 3, 2026

/s/ Kyle Applegate

KYLE APPLGATE, ESQ.
CHIEF COUNSEL

Sent via e-file portal to: Justin Coppola; Cynthia Griffin