



**FINAL DETERMINATION**

**IN THE MATTER OF**

**NANCY MORRIS,  
Requester**

**v.**

**FRANKLIN TOWNSHIP,  
Respondent**

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**Docket No: AP 2026-1841**

On May 4, 2026, Nancy Morris (“Requester”) submitted a request (“Request”) to Franklin Township (“Township”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking records of the Franklin Sportsman Association (“FSA”) including, by-laws, charter, membership list, waiting list, proof of liability, dates of proficiency testing, results of testing, and dates when members have joined. On May 5, 2026, the Township partially denied the Request, by providing a copy of a proof liability insurance document issued to the FSA and stating that additional records do not exist within the Township’s possession, custody or control.

On May 8, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the Township to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

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 June 10, 2026, the Township submitted a statement made under the penalty of perjury pursuant to 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities from Melissa Ortega, the Township’s Open Records Officer (“Ortega Attestation”), who attests that a search was conducted and that no responsive records exist in the Township’s possession, custody or control.<sup>1</sup> Ms. Ortega further attests that the FSA is not a Township board, commission or committee and was neither created by Township ordinance and is not managed by the Township.

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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 the requested records exist, “the averments in [the Ortega Attestation] 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)).

See, ¶¶ 3-5. Ms. Ortega attests that the FSA does not provide services to the Township as a third-party contractor; rather, the FSA is a private entity. *Id.*, ¶¶6-8. Furthermore, Ms. Ortega searched the Township's email records and inquired with relevant Township personnel regarding the existence of responsive records. *Id.*, ¶¶6-8. A review of the proof of insurance shows that the FSA is not an entity of the Township. Therefore, based on the evidence provided, the Township has met its burden of proof that it does not possess any additional records sought in 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 Chester 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: July 2, 2026**

*/s/ Kelly C. Isenberg*

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KELLY C. ISENBERG  
DEPUTY CHIEF COUNSEL

Sent via OOR E-file Portal: Nancy Morris; Melissa Ortega, AORO

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