



**pennsylvania**  
OFFICE OF OPEN RECORDS  
**FINAL DETERMINATION**

**IN THE MATTER OF**

**WALTER WOODS,  
Requester**

**v.**

**BRADFORD COUNTY,  
Respondent**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Docket No: AP 2026-3123**

**FACTUAL BACKGROUND**

On June 30, 2026, Walter Woods (“Requester”) submitted a request (“Request”) to Bradford County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking “[a]ll text messages and emails to/from Matthew Carl related to the historical records from the [County] library between April 01, 2026 and June 29, 2026.”

On July 29, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the County partially granted the Request and provided fourteen responsive emails. The County denied the remainder of the Request, arguing that responsive text messages are not within the County’s possession, custody or control.

On July 30, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure.<sup>1</sup> The OOR invited both parties to supplement the record and directed the County to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On August 11, 2026, the County submitted the attestation made under penalty of perjury<sup>2</sup> authored by Michelle Shedden, the County’s Chief Clerk and Agency Open Records Officer (“AORO”). The County claims that their search for emails was sufficient and that there are no responsive text messages within the County’s possession, custody or control.

On August 16, 2026, the Requester submitted a response to the County’s attestation, asserting that despite the attestation indicating that Mr. Carl was contacted about whether he possessed any responsive emails or text messages, Mr. Carl indicated directly to the Requester that he was never asked.

On August 17, 2026, the OOR requested the County submit an attestation or affidavit authored by Mr. Carl regarding a search for responsive records. On August 20, 2026, the County submitted the attestation made under penalty of perjury<sup>3</sup> authored by Matthew Carl (“Carl Attestation”), the County’s Executive Director of the Historical Society, and primary custodian of the requested records.

On August 20, 2026, the Requester submitted a response to the Carl Attestation, claiming there are still insufficiencies remaining in the County’s search for records.

---

<sup>1</sup> The Requester granted the OOR a 30-day extension to issue a final determination. *See* 65 P.S. § 67.1101(b)(1) (“Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).”).

<sup>2</sup> 18 Pa. C.S. § 4904.

<sup>3</sup> 18 Pa. C.S. § 4904.

## LEGAL ANALYSIS

The County 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 County 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 Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

The Requester asserts that the County’s search was insufficient. In response to a request for records, “...an agency shall make a good faith effort to determine...whether 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 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).

Upon receipt of this Request, AORO Shedden indicates she conducted a search for responsive records through the County's Information Technology ("IT") department. Shedden Attestation ¶ 5. AORO Shedden indicates that the IT department conducted the search by recipient and sender during the specified date range *Id.* at ¶ 7. AORO Shedden acknowledges that Mr. Carl's email address comes from outside the County email address system, but the search would have included all emails either sent by or received by Mr. Carl during the requested time period. *Id.* at ¶ 12.

Despite AORO Shedden attesting to the contrary, Mr. Carl indicates that he was never asked to conduct a search of his text messages in regards to this Request. Carl Attestation ¶ 7. However, Mr. Carl indicates that that the only communications he had regarding the subject of this Request occurred through emails, and he does not possess any text communications that would be responsive. *Id.* at ¶¶ 7-8. Mr. Carl also indicated that he believes the search of his emails via the County's IT department should be a sufficient search to satisfy this Request, as he did not utilize personal email addresses to contact any County employees about the subject matter of this Request. *Id.* at 5.

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 Commission has acted in bad faith or that additional responsive records exist, "the averments in [the attestations] 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)). Based upon the submission of the Carl Attestation, the County has proven by a preponderance of the evidence that responsive text messages to the Request do not exist within the County's possession, custody or control. *See* 65 P.S. § 67.708(a); *see also Hodges*, 29 A.3d at 1192.

However, the County has failed to meet its burden in proving no additional responsive emails exist. Both AORO Shedden and Mr. Carl indicate the IT search for emails was limited to emails between Mr. Carl and other County employees. However, as the Requester addressed in his responses to the attestations, the Request sought all emails sent or received by Mr. Carl relating to the historical records from the County library. This includes any individual he may have emailed regarding the matter, not just County employees. It appears that the IT department does not have server access to Mr. Carl's email account, and therefore, Mr. Carl would have to be asked directly to conduct a search, and he does not indicate that he conducted his own search for responsive emails. *See* Carl Attestation. Furthermore, there appears to be a material dispute regarding whether Mr. Carl was ever contacted to conduct a search, and the existence of the dispute affects the credibility of the County's evidence with respect to the scope of its search. As such, based upon the evidence presented, the County has failed to prove by a preponderance of the evidence that additional responsive emails do not exist within the County's possession, custody or control. *See* 65 P.S. § 67.708(a).

### **CONCLUSION**

For the foregoing reasons, the appeal is **granted in part** and **denied in part**, and the County is required to conduct a good faith search for responsive emails within thirty days. However, if no additional records are located as a result of this search, the County shall provide a detailed attestation or affidavit to the Requester confirming same within thirty days. 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 Bradford 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>4</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 OOR website at: <http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: August 21, 2026**

*/s/ Julie Sodl*

---

APPEALS OFFICER  
JULIE SODL

Sent via E-File Portal to:     Walter Woods  
                                          Michelle Shedden, AORO  
                                          Katherine Gemmingen, Esq.

---

<sup>4</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).