



FINAL DETERMINATION

IN THE MATTER OF	:
	:
IRENE GRIVAS,	:
Requester	:
	:
v.	: Docket No: AP 2026-3188
	:
CITY OF LANCASTER,	:
Respondent	:
	:

On June 30, 2026, Irene Grivas (“Requester”) submitted a request (“Request”) to the City of Lancaster (“City”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

1. Any record created on or after **June 18, 2026** reflecting the City’s current determination, decision, or justification for maintaining the condemnation status of 901 Manor Street.
2. Any current inspection report, reinspection record, field notes, checklist, or evaluation documenting the present condition of the property as it relates to condemnation criteria.
3. Any updated or superseding document that modifies, replaces, or supplements the March 7, 2025 correspondence and/or prior inspection reports as the City’s basis for enforcement action.
4. Any document in effect as of the date of this request that identifies the **current outstanding conditions** required for lifting the condemnation, if such a document exists.

On July 29, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the City issued a final response, providing a June 25, 2026, correspondence, and incorporating prior correspondences from March 3, 2026, and March 7, 2025, as part of its response.¹

On August 5, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. The Requester’s position is that the City did not identify whether responsive records created or maintained after June 18, 2026, were located, withheld pursuant to exemption, or determined not to exist. The Requester specifically limited her appeal to whether the City adequately responded to her Request. The OOR invited both parties to supplement the record and directed the City to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On August 27, 2026, the City submitted a position statement requesting that the appeal be denied. In support of the City’s position, the City submitted an attestation made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities, authored by Barry N. Handwerger, Esquire, (“Handwerger Attestation”), the City’s Solicitor and Agency Open Records Officer (“AORO”).

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:

¹ The City noted to the Requester in the communication dated July 29, 2026, that due to active litigation between the Requester and the City, the Requester has been instructed to only correspond with the City’s assigned counsel, Sheila O’Rourke, regarding the property discussed in the Request. In the July 29, 2026, response to the Request, Attorney O’Rourke stated that the information the Requester sought was previously included in a June 25, 2026, email and attachments, which was reproduced for the Requester.

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).

The City provided the Handwerger Attestation in support of its position that all records responsive to the Request have been provided. The Handwerger Attestation states that upon receipt of the Request, a reasonable and thorough search of files and records was carried out directly under the supervision and control of Attorney Handwerger. *See Handwerger Attestation*. This encompassed a search for records created on or after June 18, 2026, reflecting the continued condemnation status of 901 Manor Street. *Id.* Two responsive records consisting of email correspondence from Special Counsel Sheila O'Rourke to the Requester, dated June 25, 2026, and June 29, 2026, were identified and produced. *Id.* No further responsive records were found in the City's possession, custody or control. *Id.*

Accordingly, the City has established, by a preponderance of the evidence, that a good faith search was conducted, and that no additional responsive records exist within the possession, custody or control of the City. *See Campbell v. Pa. Interscholastic Athletic Ass'n*, 268 A.3d 502 (Pa. Commw. Ct. 2021) (noting that an agency need only prove the nonexistence of records by a

preponderance of the evidence, the lowest evidentiary standard, and is tantamount to a “more likely than not” inquiry). Therefore, based on the evidence provided, the City has met its burden of proof. *Hodges v. Pa. Dep’t of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).²

For the foregoing reasons, the appeal is **denied** and the City 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 Lancaster 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.³ 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 website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: August 31, 2026

/s/ Meryl M. Peterman

MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via portal to: Irene Grivas
Sheila O’Rourke, Esq.

² The City makes an argument that the Request is insufficiently specific. Without waiving this objection, the City further argues that it produced all responsive records. We will not address this argument as it is unnecessary since we have found that all responsive records were produced and none further exist in the possession, custody or control of the City.

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