



FINAL DETERMINATION

IN THE MATTER OF

**BEVERLY SOLOSKI,
Requester**

v.

**APOLLO BOROUGH,
Respondent**

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Docket No: AP 2026-3268

On July 30, 2026, Beverly Soloski (“Requester”) submitted a request (“Request”) to Apollo Borough (“Borough”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

1. DETAILED COPY OF THE 2026 APOLLO BOROUGH FINAL BUDGET.
2. DETAILED COPIES OF THE MONTHLY TREASURER’S REPORT FROM JANUARY 1, 2026 THROUGH MAY 31, 2026. (5 MONTHS)¹

On August 4, 2026, the Borough granted the Request and provided the Requester with copies of records responsive to the Request.

On August 10, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), arguing that the Request sought a detailed 2026 final budget and a detailed treasurer report from January 1, 2026 through May 31, 2026, the records provided by the Borough contain mistakes, and the Requester does not believe them to be detailed reports. The OOR invited both

¹ Emphasis in original.

parties to supplement the record and directed the Borough to notify the OOR if any third parties have a direct interest in the 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 August 19, 2026, the Borough submitted the attestation of Brenda Troup (“Troup Attestation”), the Borough’s Open Records Officer, who attests that a search was conducted, all responsive records were provided to the Requester, and that no additional responsive records exist in the Borough’s possession, custody or control.² *See* Troup Attestation. The Requester disputes

² 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 Borough 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)).

the level of detail and errors contained within the responsive records. Notwithstanding, whether an agency's financial records are detailed or accurate is not an issue for the OOR to resolve. The Request seeks specific records of the Borough, and the Borough has submitted credible evidence that it provided a copy of the Borough's 2026 Budget and copies of the monthly Treasurer's Reports for the specified months to the Requester. Therefore, based on the evidence provided, the Borough 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 Borough 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 Armstrong County Court of Common Pleas. 65 P.S. § [67.1301(a)/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: September 2, 2026

/s/ Catherine R. Hecker

CATHERINE R. HECKER
APPEALS OFFICER

Sent via the OOR Portal to: Beverly Soloski
Brenda Troup

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