



FINAL DETERMINATION

DATE ISSUED AND MAILED: September 22, 2026

IN RE: *Karen Scioli v. Montgomery County District Attorney's Office*, OOR Dkt. AP 2026-3719

Upon review of the appeal filed with the Office of Open Records ("OOR") to the above-referenced docket number, as well as the parties' submissions, the appeal is **DENIED** because:

Responsive records do not exist. On September 18, 2026, the Montgomery County District Attorney's Office ("Office") submitted an attestation made subject to the penalty of perjury, 18 Pa.C.S. § 4902, authored by Gwendolyn Kull, Esq. ("Kull Attestation"), the Office's Agency Open Records Officer ("AORO"). The AORO attests that a search was conducted within the Unified Judicial System, the Office's expunged cases database, the Common Pleas Case Management System¹ and the Office's Microsoft Office Systems.² Kull Attestation ¶ 6. As a result of the Office's search, no responsive records exist in the Office's possession, custody or control. *Id.*³ Based upon this evidence, the Office demonstrated that it conducted a good faith search for responsive records as required by 65 P.S. § 67.901 and, as a result of the search, no responsive records were located. Therefore, based on the evidence provided, the Office has met its burden of proof that it does not possess responsive records. *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For this reason, the Office is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Montgomery 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.⁴ 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>.

Issued by:

/s/ Bandy L. Jarosz

BANDY L. JAROSZ, ESQ., APPEALS OFFICER

Sent via portal only to: Karen Scioli; Gwendolyn Kull, Esq.

¹ This includes a search for victims, witnesses and other case participant types, such as defendants. Kull Attestation ¶ 6c.

² Microsoft Office Systems encompasses Office communications, emails, attachments and other documents. Kull Attestation ¶ 6d.

³ The position statement submitted by the Requester on September 18, 2026 provided no evidence that contradicted the evidence set forth in the Kull Attestation.

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