

BEFORE THE PENNSYLVANIA OFFICE OF OPEN RECORDS

COLIN DARNEY,
Requester

v.

CARROLL TOWNSHIP POLICE DEPARTMENT,
Respondent

OOR Dkt. AP 2026-3480

REQUESTER'S PETITION FOR RECONSIDERATION

Requester Colin Darney, proceeding pro se, respectfully petitions for reconsideration of the Final Determination issued September 24, 2026 pursuant to 1 Pa. Code § 35.241 and Section VIII of the Office of Open Records' Procedural Guidelines.

Reconsideration is requested on a narrow ground: **the Final Determination's dispositive agency-receipt analysis rests upon a factual premise that is contradicted by evidence already contained in the administrative record.**

Requester does not seek to submit new evidence. The evidence identified below was already part of the record before the OOR.

I. THE FINAL DETERMINATION FINDS THAT THE TOWNSHIP DID NOT RECEIVE THE REQUEST.

The Final Determination states:

“The OOR notes that the Request was received by the Department, not the Township.”

It further states that the Department and Township have separate Agency Open Records Officers, that “it was incumbent upon the Requester to provide the Request to the correct agency,” and that “[t]he Department did not have a duty to forward the Request to the Township.”

On that basis, the Final Determination narrows the issue before the OOR to whether the Department established that additional responsive records did not exist within the Department's possession, custody, or control.

In support of that conclusion, the Final Determination points to the fact that the physical request bears a Department receipt stamp stating “Received Jul 23 2026 C.T.P.D.”

II. THE EXISTING RECORD SHOWS THAT THE JULY 23 REQUEST WAS DIRECTLY TRANSMITTED TO BOTH THE DEPARTMENT AND THE TOWNSHIP.

The contemporaneous July 23, 2026 email contained in the administrative record shows that Requester transmitted the attached Right-to-Know request simultaneously to:

Thomas Wargo, Carroll Township Police Department; and

Brandon Slatt bslatt@carrolltownship.com, Township Manager and Township Agency Open Records Officer.

The email expressly addressed both recipients:

*“Chief Wargo, Mr. Slatt,
Please see attached right to know request submitted on township form.”*

Thus, this is not a circumstance in which Requester sent a request only to one agency and later argued that the receiving agency should have obtained records from, or forwarded the Request to, an entirely separate agency.

The existing evidentiary record establishes that the Request itself was transmitted directly to Mr. Slatt at his Township email address on July 23, 2026.

Indeed, the Final Determination itself identifies Mr. Slatt as “Township Manager, and Agency Officer of Open Records (‘AORO’).”

Accordingly, the Department's physical receipt stamp establishes that the Department received the Request. It does not establish that the Township did **not** receive the same Request through the simultaneous electronic transmission already contained in the record.

III. THAT FACTUAL ERROR MATERIALLY AFFECTS THE FINAL DETERMINATION'S LEGAL ANALYSIS.

Section 703 of the RTKL provides that a written request may be submitted by email and must be addressed to the open-records officer designated pursuant to Section 502. 65 P.S. § 67.703. The record reflects precisely such an email transmission to the Township AORO.

The Final Determination nevertheless treats this matter as though the Request had been submitted only to CTPD and concludes:

“It was incumbent upon the Requester to provide the Request to the correct agency.”

But the record shows that Requester did provide it to the Township's Open Records Officer.

The related conclusion that the Department had no duty to forward the Request to the Township therefore does not resolve the actual factual circumstance presented here. **No forwarding was necessary for the**

Township AORO to receive the Request because he was a direct recipient of the original July 23 transmission.

This is not a request that the OOR reconsider the weight of competing testimony. Nor does it depend upon newly discovered evidence.

It is an objectively verifiable discrepancy between a material factual premise of the Final Determination and the contemporaneous transmission evidence already contained in the appeal record.

IV. MUTCHLER DOES NOT CURE THE FACTUAL ERROR.

The Final Determination cites *Mutchler v. Pennsylvania Office of Administration*, 334 A.3d 57 (Pa. Cmwlth. 2025), for the proposition that the RTKL does not generally require one agency to obtain from another agency records that a requester could obtain directly from the second agency.

Whatever the applicability of *Mutchler* to a request submitted to only one government agency, that is not the factual posture established by this record.

Here, the Request was transmitted directly to both the Department and the Township AORO.

Moreover, Section 502(b)(1) provides that an agency open-records officer shall receive requests submitted to the agency and “direct requests to other appropriate persons within the agency or to appropriate persons in another agency.” 65 P.S. § 67.502(b)(1).

Requester need not establish the outer limits of that referral obligation to obtain reconsideration here because the threshold factual issue is simpler: **the Township's own AORO was already a direct recipient of the Request.**

Accordingly, the Final Determination's statement that the Request “was received by the Department, not the Township” should be reconsidered in light of the existing record.

V. THE ERROR AFFECTED THE SCOPE OF THE SEARCH ANALYSIS.

The distinction was outcome-material.

The Request expressly sought records sufficient to show whether “**Carroll Township and/or the Carroll Township Police Department**” had received or was otherwise processing 287(g)-related funds and specifically sought Township-type financial records including general-ledger entries, Treasurer reports, accounting records, revenue records and ACH/deposit information.

The Final Determination itself recounts that, after the Department's August 10 denial, an additional search of **Township financial records** located responsive ICE TREAS 310 ACH payment records and caused the Department to “supplement[] and correct[] its prior response.”

The Final Determination also recounts that, prior to that correction, Agency counsel represented that the Township Manager and Township staff had been consulted before the August 10 response and had confirmed that no ICE/DHS reimbursements had been received.

Those facts demonstrate why the identity of the agency or agencies that received the July 23 Request matters to the adequacy-of-search analysis.

By determining that the Township had not received the Request, the Final Determination effectively **excluded from the analysis the Township's independent obligations as a direct recipient of the Request** and reduced the dispositive question to whether CTPD ultimately established the absence of additional Department records.

Because the existing record shows that the Township AORO directly received the original Request, that narrowing rests upon an erroneous factual premise.

VI. RECONSIDERATION IS WARRANTED WITHOUT RECEIPT OF NEW EVIDENCE.

Requester recognizes that the OOR does not accept new evidence on reconsideration.

None is necessary.

The relevant evidence—the July 23 email transmitting the attached Request directly to both Chief Wargo and Township AORO Slatt—was already contained in the appeal record.

Requester therefore respectfully asks only that the OOR reconsider the Final Determination upon the evidence already before it and address the Request as one electronically transmitted directly to both identified open-records officials.

WHEREFORE, Requester respectfully requests that the OOR:

A. grant reconsideration of the September 24, 2026 Final Determination;

B. correct the finding that the Request was received by the Department but not the Township;

C. reconsider the adequacy-of-search and possession/custody/control analysis in light of the record establishing direct transmission of the Request to Township AORO Brandon Slatt;

D. reconsider the reliance upon *Mutchler* and the conclusion that Requester failed to submit the Request to the appropriate agency in light of that direct transmission;

E. issue such revised or supplemental Final Determination as is warranted upon the existing evidentiary record; and

F. grant such other relief as the OOR deems appropriate.

Respectfully submitted,

Colin Darney, Pro Se

Date: September 24, 2026

From: [Colin Darney](#)
To: [DC, OOR Post FD](#)
Cc: [Peter T. Ruth](#); [Thomas Wargo](#); [Brandon Slatt](#)
Subject: [External] AP 2026-3480 – Requester's Petition for Reconsideration
Date: Thursday, September 24, 2026 12:30:37 PM
Attachments: [RequestForReconsideration.pdf](#)

ATTENTION: *This email message is from an external sender. Do not open attachments or click links from unknown senders. To report suspicious email, use the [Report Phish button](#) in Outlook.*

Chief Counsel Applegate:

Attached please find Requester's Petition for Reconsideration of the September 24, 2026 Final Determination in *Darney v. Carroll Township Police Department*, OOR Dkt. AP 2026-3480.

The Petition concerns a narrow, objectively verifiable issue: **the Final Determination's conclusion** that the Township did not receive the July 23 Request **is contradicted by the contemporaneous transmittal evidence already contained in the administrative record**, which shows that the Request was transmitted directly to both the Department and the Township AORO.

Because that factual premise materially affected the scope of the Final Determination's analysis, Requester respectfully seeks reconsideration.

The Petition relies solely upon the existing administrative record and submits no new evidence. Mr. Ruth is copied on this correspondence.

Respectfully,
Colin Darney