



FINAL DETERMINATION

IN THE MATTER OF	:
	:
COLIN DARNEY,	:
Requester	:
	:
v.	: Docket No: AP 2026-3480
	:
CARROLL TOWNSHIP POLICE	:
DEPARTMENT,	:
Respondent	:

FACTUAL BACKGROUND

On July 23, 2026, Colin Darney (“Requester”) submitted a request (“Request”) to Carroll Township (“Township”) Police Department (“Department”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* The Request sought the following:

Please provide copies of records sufficient to show whether Carroll Township and/or the Carroll Township Police Department has received, been approved to receive, or is pending receipt of any payment, reimbursement, stipend, grant award, deposit, ACH transfer, check, credit, revenue, or other funds from ICE, DHS, or any related federal entity concerning the 287(g) program.

Date range: April 1, 2026 to the date this request is processed.

Basis for Request/Records Referenced:

This [R]equest is based in part on records previously produced by the Carroll Township Police Department in response to a separate Right-to-Know request. In a July 21, 2026 response letter, the department granted a request for section XII 287(g) tracking/reporting records and produced, among other records, the following spreadsheets:

- a. April 2026 ICE Payroll Reimbursement;
- b. May 2026 ICE Payroll Reimbursement;
- c. June 2026 Service Provider Monthly Report.

This request is also based in part on a previously produced record identified as a Transportation and Equipment Stipend/287(g) TFM Service Provider Initial Stipend record.

This [R]equest seeks records sufficient to show whether the above records, or any other 287(g)-related stipend, reimbursement, grant, award, funding request, service-provider report, payroll reimbursement report, transportation stipend, equipment stipend, or similar request was approved, denied, paid, partially paid, pending, deposited, credited, recorded, or otherwise resolved.

Requested Records:

This request includes, but is not limited to:

1. Any records showing actual receipt of funds from ICE, DHS, or any related federal entity concerning 287(g).
2. Any records showing approval, pending approval, denial, partial approval, processing, payment, nonpayment, partial payment, delay, or unresolved status of any 287(g)-related payment, reimbursement, stipend, grant, award, funding request, service-provider report, payroll reimbursement report, transportation stipend, equipment stipend, or similar request.
3. Any checks, ACH notices, remittance advices, payment confirmations, deposit records, bank deposit slips, electronic payment records, payment transmittals, or similar records concerning 287(g)-related funds.
4. Any general ledger entries, account receivable records, budget records, Treasurer reports, financial reports, audit records, or accounting records showing 287(g)-related funds received, pending, credited, deposited, recorded, budgeted, or classified.
5. Any records showing the amount, date, source, purpose, account, fund, budget line, revenue line, or accounting classification of any 287(g)-related payment, reimbursement, stipend, grant, award, deposit, credit, or revenue.
6. Any communications with ICE, DHS, or any related federal entity confirming, discussing, transmitting, approving, denying processing, paying, delaying, questioning, reconciling, or otherwise addressing any

287(g)-related reimbursement, stipend, grant, award, payment, service-provider report, payroll reimbursement report, transportation stipend, equipment stipend, or funding request.

7. Any records sufficient to show whether the following previously produced 287(g)-related reimbursement, stipend, or service-provider records resulted in actual payment to Carroll Township or the Carroll Township Police Department:
 - a. April 2026 ICE Payroll Reimbursement;
 - b. May 2026 ICE Payroll Reimbursement;
 - c. June 2026 Service Provider Monthly Report;
 - d. Transportation and Equipment Stipend/ 287(g) TFM Service Provider Initial Stipend.
8. Any records sufficient to show whether any 287(g)-related reimbursement, stipend, grant, award, payment, or funding request remains pending, unpaid, denied, partially paid, approved by not yet paid, deposited but not yet recorded, recorded under a different accounting category, or otherwise unresolved.

On August 10, 2026, following a thirty-day extension, 65 P.S. §67.902(b), the Department denied the Request, asserting that no responsive records exist within its possession, custody or control. 65 P.S. § 67.705. With its response, the Department provided an attestation made subject to the penalties of perjury of Chief Thomas J. Wargo, (“Wargo Attestation”) the Department’s AORO. The Wargo Attestation stated that Chief Wargo directed that a good-faith search be conducted of the Department’s files, electronic records, email accounts, financial and reimbursement records. Wargo Attestation, ¶7. He stated that the search included consultation with Department personnel reasonably likely to possess, maintain, or have knowledge of responsive records and he thereafter determined the Department did not possession, maintain or have custody or control of any responsive records. *Id.* at ¶¶8-9. Chief Wargo stated that the Request specifically sought records sufficient to establish whether requests for reimbursement or funding had resulted in an approval, payment, deposit, credit, receipt of funds, or other resolution, and the Department

had not received such reimbursement or payment and did not possess responsive records. *Id.* at ¶12.

Upon receipt of the August 10, 2026, response, the Requester requested directly to the Department via email that the Department confirm whether the Township Manager, Treasurer, finance/accounting personnel, or other Township-level financial custodian was consulted or searched before the response was issued. The Township and Department Solicitor, Peter T. Ruth, Esquire, responded on the same date to advise the Requester that Chief Wargo confirmed with the Township Manager and staff that no reimbursements from ICE or DHS were received by the Department or the Township and that the Manager and staff were consulted prior to providing the Wargo Attestation.

On August 13, 2026, the Department provided a supplemental response to the Request. In this supplemental response, Chief Wargo stated that after the issuance of the August 10, 2026, denial, the Department conducted an additional search for potentially responsive records, which included a review of the Carroll Township financial records, as distinguished from records maintained by the Department. As a result of that additional search, the Township identified financial records reflecting reimbursements received from ICE through Automated Clearing House (“ACH”) payments. The Department therefore supplemented and corrected its prior response and provided portions of the Township’s balance sheet reflecting the ACH payments received from ICE that were responsive to the Request.

On August 21, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the search as not being an adequate, good-faith search for responsive records to the Request. The Requester limited the appeal to whether the Department and/or the Township had shown that a good-faith search was conducted in the places where responsive financial,

accounting, payment, reimbursement, deposit, ledger, revenue, budget, Treasurer, and ICE/DHS communication records would reasonably be expected to exist. The Requester argues that the August 13, 2026, supplemental response confirmed that responsive records were in the possession, custody and control of the Department, by way of the Township, and should have been produced in the first instance. The Requester also expressed his doubt that all records had been produced. The OOR invited both parties to supplement the record and directed the Department to notify the OOR if any third parties have a direct interest in this appeal. 65 P.S. § 67.1101(c).

On August 26, 2026, the Department provided a statement made under penalty of perjury from Branton Slatt, (“Slatt Attestation”), Township Manager, and Agency Officer of Open Records. (“AORO”).¹

On September 14, 2026, upon motion of the Requester, the OOR reopened the record to allow the Requester to submit additional evidence. The Requester submitted an email dated August 3, 2026, between ICE and the Department, which stated that the Department was approved to submit an invoice to ICE at Invoice Consolidation and for the convenience of the Department a consolidated invoice for payroll reimbursement submission for July 2023 was provided. The Department was asked to review it and verify the amount listed for the applicable month. The Requester relied upon this document to show that the Department did not conduct a good faith search for all responsive records.

¹ In response to this submission by the Township, on August 27, 2026, the Requester submitted a response wherein he stated that while he did not object to the OOR treating the appeal as moot to the extent an attestation from the Township had been provided, he asked the OOR to outline the procedural context in its Final Determination. The Department objected to this and argued that to outline the procedural context in the context that the Requester desired would be inappropriate, and would draw conclusions not required, making broader findings than necessary.

On September 15, 2026, in support of its position that this was an inadvertent omission, the Department provided a responsive position (“Responsive Position”) and joint attestation (“Joint Attestation”) of Chief Wargo and Mr. Slatt.

On September 16, 2026, the Requester submitted an Additional Supplemental Submission of Additional Newly Produced Evidence (“Additional Supplemental Submission”) wherein he stated that he received a large set of records in response to a separate RTKL request which contained records that he believed should have been provided as part of the instant appeal. As such, the Requester argues that this production materially changes the factual record in this appeal. He further asked the OOR to determine whether a finding of bad faith was warranted.

On September 17, 2026, Peter T. Ruth, Esquire, submitted a response to the Additional Supplemental Submission. Attorney Ruth states that the arguments made by the Requester regarding the supplemental filings rely heavily upon records produced in a subsequent RTKL request, a request that was substantially broader than the Request at issue in this appeal.

The Requester asked for the opportunity to again submit additional evidence on September 18, 2026. The OOR denied this request.

On September 24, 2026, the OOR issued a Final Determination denying the appeal. The Requester filed a Petition for Reconsideration on September 25, 2026, wherein he asked that the OOR reconsider the Final Determination as the Final Determination only addressed the receipt of the Request by the Department, as opposed to both the Department and the Township. In response, the OOR vacated its previous Final Determination on September 25, 2026.

LEGAL ANALYSIS

The Department 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. 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). 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 Department has acted in bad faith or that the requested records exist, “the averments in [the Attestations] should be accepted as true.” *McGowan v. Pa. Dep’t of Envlt. 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 Requester also requested an evidentiary hearing, but this request is denied.

In support of its position that the appeal should be denied and that all responsive records had been produced, the Department initially provided the Slatt Attestation. As Township Manager, Mr. Slatt states that he is familiar with the Township's administrative and financial records, and with the personnel responsible for maintaining such records, and locations and systems in which Township financial and accounting records are maintained. Slatt Attestation, ¶ 2. Mr. Slatt attests that following the initial response to the Request by the Department, an additional search of Township-level financial records was conducted. *Id.* at ¶6. This included conversations with the Township's Secretary and treasurer, Faye Romberger, and Assistant Secretary, Jessica Baim. *Id.* The additional search located records reflecting ACH deposits associated with ICE and identified as "ACH Deposit: ICE TREAS 310." *Id.* at ¶7. These records were provided to the Requester on August 13, 2026. *Id.* at ¶8. Mr. Slatt further explains that he conducted a search of Township records and repositories which included "the Townships' financial and accounting records, general ledger and revenue records, deposit and ACH information available to the Township, budget and financial report records, Treasurer and finance-related record, and other accounting records reasonably likely to contain responsive information." *Id.* at ¶11. A search was also conducted of Township-level communications that would be reasonably likely to contain communications with ICE, DHS or other related federal entities that would concern 287(g)-related fundings. *Id.* at ¶12. Mr. Slatt consulted with Township personnel and other than the records provided to the Requester in the August 13, 2026, response, he attests that no further responsive records were located. *Id.* at ¶¶14-19.

After the August 3, 2026, email was entered into evidence, the Department provided the Joint Attestation. The Department reiterated that the lack of the August 3, 2026, email to the production was an inadvertent omission, rather than intentional and it reflects the Department's continuing effort to identify and provide responsive public records. Responsive Position, ¶6. In support of this position, both Chief Wargo and Mr. Slatt attest that the omission of the August 3, 2026, communication was inadvertent and admit that it should have been provided with the earlier production. Joint Attestation, ¶¶9, 22.

The Requester contends that the Department and the Township failed to conduct good-faith searches in connection with the Request. The Requester states that one day after the response and Joint Attestation were filed with the OOR, a large set of records was produced in response to a separate RTKL request, which contains additional records predating this appeal that are facially responsive to this Request. The Department's position is that the records produced in the subsequent request were responsive to a significantly broader request than the one before the OOR in this appeal. As that request is not before the OOR, we will not use the records produced in a separate, subsequent RTKL request as evidence of the adequacy of the search for records in this appeal.²

Based upon a preponderance of the evidence, the Department has met its burden of proving that no further records exist in its possession, custody or control. *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011). The Department initially responded to the Request by denying it. Thereafter, it sought responses from the Township and these records were provided.

² A request may not modify, explain or expand upon a request on appeal. See *Pa. State Police v. Office of Open Records*, 995 A.2d 515, 516 (Pa. Commw. Ct. 2010); *Staley v. Pittsburgh Water and Sewer Auth.*, OOR Dkt. AP 2010-0275, 2010 PA O.O.R.D. LEXIS 256 ("A requester may not modify the original request as the denial, if any, is premised upon the original request as written"). Therefore, the OOR's review on appeal is confined to the Request as written, and any modification or explanation of the Request on appeal will not be considered. See *Petka v. Pa. Dep't of Transp.*, OOR Dkt. AP 2014-1288, 2014 PA O.O.R.D. LEXIS 996.

Additional records have been provided during the pendency of this appeal. Initially, the Requester stated he had no objection to the OOR treating the appeal as moot once the Slatt Attestation was provided. Based upon the evidence submitted by the Department and the Township, we find by a preponderance of the evidence that the agencies both conducted a good-faith search for responsive records. The Requester has been provided with responsive public records. The OOR declines to make a finding of bad faith on behalf of the Department.

CONCLUSION

For the foregoing reasons, the appeal is **denied** and the Department 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 York 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: OCTOBER 1, 2026

/s/ Meryl M. Peterman

MERYL M. PETERMAN, ESQ.
APPEALS OFFICER

Sent via OOR E-file appeal portal to:

Colin Darney
Peter Ruth, Esq.

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