



FINAL DETERMINATION

IN THE MATTER OF

**JESSE TASHLIK,
Requester**

v.

**PIKE COUNTY,
Respondent**

:
:
:
:
:
:
: **Docket No: AP 2026-3979**
: **(Consolidated with appeals docketed as**
: **OOR Dkts. AP 2026-3980 through**
: **AP 2026-3982)**

On July 30, 2026, Jesse Tashlik (“Requester”) submitted four separate requests (collectively, the “Requests”) to Pike County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking various records regarding the County’s reassessment work.¹ On September 4, 2026, after extending its time to respond by thirty days, 65 P.S. § 67.902(b), the County partially denied the Requests, providing some responsive records, directing the Requester to publicly accessible websites for records, and stating that the records requested in the remainder of the Requests do not exist within the County’s possession, custody or control.

On September 17, 2026, the Requester filed four appeals with the Office of Open Records (“OOR”), challenging the sufficiency and completeness of the County’s response to the Requests.²

¹ Notably, the Requests included between 10 and 12 parts each; however, many of the parts were duplicative and sought the same types or sets of records.

² The appeals were docketed as OOR Dkts. AP 2026-3979 through AP 2026-3982. Because they involve the same parties and similar issues, the appeals were consolidated into the appeal docketed as OOR Dkt. AP 2026-3979 on September 21, 2026.

The OOR invited both parties to supplement the record and directed the County to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On September 30, 2026, the County submitted four separate attestations, made subject to the penalties set forth in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities), from Shannon DeVuyst (“DeVuyst Attestations”), the County’s Open Records Officer. The Requester did not submit additional legal argument or evidence during the appeal.

As a preliminary matter, the County granted access to certain records by directing the Requester to publicly accessible websites. Despite the Requester’s claims to the contrary, the County is permitted to make records available through any publicly accessible electronic means. *See* 65 P.S. § 67.704(a). Insofar as the Requester suggests that the County must review, compile and organize the publicly accessible records before providing them to the Requester, no such requirement exists within the RTKL. *See* 65 P.S. § 67.705.

Regarding the remainder of the Requests, 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).

The DeVuyst Attestations affirms that, upon the County's receipt of the Requests, Open Records Officer DeVuyst, who is an authorized custodian of the County's records, conducted a search for responsive records, which included searching the County Commissioners' reassessment files and meeting with Vision Government Solutions ("Vision"), the County's third-party contractor hired to conduct the reassessment work. DeVuyst Attestations, ¶¶ 3-5. Additionally, Open Records Officer DeVuyst contacted the County's IT department and requested a search of the County Commissioners' email accounts for emails exchanged with Vision's staff concerning quality assurance, quality control, and other subject matters relevant to the Requests. *Id.* at ¶ 3. Open Records Officer DeVuyst further explains that many of the requested records do not exist because the County reassessment has not yet begun. *Id.* at ¶¶ 3-4. Finally, the Requester has not submitted legal argument or evidence sufficient to undermine the assertions made in the DeVuyst Attestations.³ *See Pa. Dep't of Health v. Mahon*, 283 A.3d 929, 936 (Pa. Commw. Ct. 2022) (finding that, in the absence of countervailing evidence establishing that the agency acted in bad faith or that the requested records exist, averments of nonexistence should be accepted as true). Based on the evidence provided, therefore, the County has met its burden of proving that no

³ On several occasions within his appeal statements, the Requester asserts that the requested records *should* exist. The determination of whether records should exist is outside the purview of the OOR; rather, the OOR is tasked with determining whether sufficient evidence was presented to establish that the records, more likely than not, do not exist within an agency's possession, custody or control. *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, which is tantamount to a "more likely than not" inquiry). Additionally, the Requester generally asserts that contractor records are accessible under Section 506(d) of the RTKL; however, the DeVuyst Attestations demonstrate that the County contacted and met with the relevant third-party contractor about the Requests prior to responding.

additional records responsive to the Requests exist within the County's possession, custody or control. *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 County 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 Pike 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>.

FINAL DETERMINATION ISSUED AND MAILED: 2 October 2026

/s/ Joshua T. Young

JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: Jesse Tashlik;
 Shannon DeVuyst, AORO

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