



**FINAL DETERMINATION**

DATE ISSUED: October 13, 2026

IN RE: *Richard Pluck v. Dauphin County District Attorney's Office*, OOR Dkt. AP 2026-3857

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:

**The records do not exist.** On August 18, 2026, Richard Pluck ("Requester") submitted a Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.*, request ("Request") to the Dauphin County District Attorney's Office ("Office") seeking dispatch records and logs related to a driving incident. As the Requester did not receive a response from the Office within five business days, the Request was deemed denied on August 25, 2026. *See* 65 P.S. § 67.901. On September 11, 2026, the Requester filed this instant appeal. On appeal, on September 24, 2026, the Office submitted an attestation made under the penalty of unsworn falsification to authorities<sup>1</sup> from Emily Long Hoffman, Esq. ("Hoffman Attestation"),<sup>2</sup> the Office's Open Records Officer ("AORO"), asserting that the Office is not in possession of responsive records sought in the Request, the Request was misdirected, and the mostly likely custodian of responsive records would be the Dauphin County 911 Call Center. *See* Hoffman Attestation, ¶¶ 4-5. The Requester has not submitted any evidence to the contrary. *See Pa. Dep't of Health v. Mahon*, 283 A.3d 929 (Pa. Commw. Ct. 2022) (concluding that, in the absence of countervailing evidence, an agency may satisfy its burden of proving a record does not exist by submitting "either an unsworn attestation by the person who searched for the record or a sworn affidavit of nonexistence of the record"). Based upon the record, the Office demonstrated that it conducted a good faith search as required by 65 P.S. § 67.901 and did not locate any responsive records. Therefore, based on the evidence provided, the Office has met its burden of proof that it does not possess the requested 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 Dauphin 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.<sup>3</sup> All documents or communications following the issuance of this Final Determination shall be sent to [oor-postfd@pa.gov](mailto:oor-postfd@pa.gov). This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

Issued by:

/s/ Damian J. DeStefano  
DAMIAN J. DESTEFANO  
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Richard Pluck; Emily Long Hoffman, Esq., AORO

<sup>1</sup> 18 Pa.C.S. § 4904.

<sup>2</sup> Under the RTKL, a sworn affidavit 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. Off. of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010). In the absence of any evidence that the Office has acted in bad faith, "... the averments in the [Attestation] should be accepted as true." *McGowan v. Pa. Dep't of Env't'l. Prot.*, 103 A.3d 374, 382- 83 (Pa. Commw. Ct. 2014) (citing *Off. of the Governor v. Scolforo*, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013)).

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