



FINAL DETERMINATION

IN THE MATTER OF

**ROBERT GILLNER,
Requester**

v.

**INDIANA TOWNSHIP,
Respondent**

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Docket No.: AP 2026-3733

As the Appeals Officer assigned to this matter by the Office of Open Records (“OOR”), I have reviewed the appeal filed with the OOR, as well as the parties’ submissions in support of their positions. Based upon my review of the appeal and the evidence submitted, I make the following conclusions of law and findings of fact:

- **The appeal is moot in part.** During the course of the appeal the Township provided the Requester with meeting minutes and a document demonstrating that no responsive incident reports were withheld. The Requester has acknowledged receiving these records. Therefore, to the extent these documents are responsive to the Request, the appeal as to the records provided is dismissed as moot. *See Chester Water Auth. v. Pa. Dep’t of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021).
- **The Township’s interpretation of Item 4 of the Request was reasonable.** Because Item 4 of the Request did not define “Township official,” the Township interpreted this portion of the Request as seeking communications with the Township’s Manager and/or its Police

Chief, as those two individuals are the most likely to have had communications with David Gladowski, Katie Gallagher, XPER Inc., or Ibis Tek regarding traffic, speeding, or signage on Charles Street during the requested timeframe. Anderson Attestation, ¶¶ 55-61. Based on a review of the language in Item 4 and the Request as a whole, the Township's interpretation of Item 4 of the Request when searching for responsive records was reasonable. *See Spatz v. City of Reading*, OOR Dkt. AP 2013-0867, 2013 PA O.O.R.D. LEXIS 513 (an agency is permitted to make a reasonable interpretation of the meaning of a request for records).

- **No additional responsive records exist.** The Anderson Attestation provides that the Open Records Officer searched all electronic and physical files, electronic databases, and inquired with relevant Township personnel, and other than the records provided in response to certain Items of the Request, no additional responsive records exist within the Township's possession, custody and control. *See* Anderson Attestation. Based upon the evidence submitted, the Township has proven, by a preponderance of the evidence, that it conducted a good faith search for responsive records as required by 65 P.S. § 67.901 and other than the records provided to the Requester, no additional responsive records exist. *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, that is tantamount to a "more likely than not" inquiry); *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For the foregoing reasons, the appeal is **denied in part** and **dismissed as moot in part**, and the Township 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 Allegheny 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 Section 1303 of the RTKL. 65 P.S. § 67.1303. However, 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.¹ 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 14, 2026

/s/ Kathleen A. Higgins

KATHLEEN A. HIGGINS
DEPUTY CHIEF COUNSEL

Sent via OOR appeal portal to: Robert Gillner;
Daniel Anderson, AORO;
Ashley J. Puchalski, Esq.

¹ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).