



FINAL DETERMINATION

IN THE MATTER OF

**TIMOTHY JONES,
Requester**

v.

**MT. LEBANON MUNICIPALITY,
Respondent**

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Docket No: AP 2026-4220

On August 25, 2026, Timothy Jones (“Requester”) submitted a request (“Request”) to Mt. Lebanon Municipality (“Municipality”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking “[a]ll available CAD/address-history records and records sufficient to identify each call for service, police dispatch/response, welfare check, complaint, or other police response associated with 11 Mt. Lebanon Blvd., Pittsburgh, PA 15228 from 12/01/2016 through the date processed.” On September 29, 2026, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Municipality denied the Request, arguing that certain responsive records are exempt under 65 P.S. § 67.708(b)(16) of the RTKL as related to a criminal investigation, and that “a CAD call is not a record of the Municipality.”

On September 29, 2026, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. The Requester does not challenge the Municipality’s assertions regarding criminal investigative records and CAD-related records; rather, he limited his appeal to whether additional responsive records exist. The OOR

invited both parties to supplement the record and directed the Municipality to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

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).

On October 13, 2026, the Municipality submitted a sworn affidavit from Jason Haberman, the Chief of Police of the Mt. Lebanon Police Department (“Haberman Attestation”). Haberman attests that he is the appropriate person to search for records, a search was conducted, and responsive records (already noted above) were identified.¹ Haberman Attestation, ¶¶ 4-5, 8-9. Haberman added that the Municipality does not maintain a police blotter. *Id.*, ¶ 12. According to

¹ 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).

Haberman, his search “would reveal all documents in [the Municipality’s] possession responsive to the request without regard to whether the incident was criminal or not,” and “[i]t revealed the documents mentioned in the denial letter.” *Id.*, ¶ 7. In other words, there are no additional responsive records. Therefore, the Municipality has met its burden of proof that it does not possess additional records responsive to the Request. *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 Municipality is not required to take further action in this appeal. 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. § 67.1301(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.² 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 28, 2026

/s/ Josh Macel

JOSH MACEL
APPEALS OFFICER

Sent *via* Appeals Portal to: Timothy Jones; Jason Haberman (AORO); Philip Weis, Esq.

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).