pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
AMY JACOBS,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4551**
	:	
ELIZABETH TOWNSHIP,	:	
Respondent	:	

On September 23, 2026, Amy Jacobs ("Requester") submitted a request ("Request") to Elizabeth Township ("Township") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking:

1. Building and electrical permits: all approved, pending, or denied building and electrical permit applications submitted by or issued to the Blaine Hill Volunteer Fire Company (Station 142) [("Fire Company")] for any structure modifications, expansions, or new construction at their property.

2. Inspection certifications: All third-party electrical inspection reports, rough-in certifications, and final inspection approval required under the Pennsylvania Uniform Construction Code (UCC) for the site's electrical infrastructure.

3. Certificates of occupancy: Any temporary or final certificates of occupancy issued for the new structure.

4. Zoning certificates & variances: all zoning permit applications, plot plans, site plan review, and structure setback verifications for the new building.

5. Hearing board records: Any applications, meeting minutes, public notices, or written decisions from the…Township Zoning Hearing Board regarding variances or special exceptions for this project.

6. Enforcement logs: All code enforcement complaint files, notices of violation, citation records, or stop work orders issued to the Fire Company or its contractors regarding unpermitted work.

7. Certificates of insurance (COI) all active and historical certificates of insurance submitted to…[the] Township by the…Fire Company proving general liability, property, and umbrella coverage.

8. Municipal recognition agreement: any active resolutions, agreements, or charters demonstrating…[the] Township['s] official recognition or funding allocation for…[the Fire Company] as a designated emergency service provider for the municipality.

I am requesting copies of all public records maintained by…[the] Township from January 1, 2024 to present regarding…[the Fire Company] property as outlined above in section 1-8.

On October 7, 2026, the Township partially denied the Request, stating that certain requested records do not exist within its possession, custody or control.

On October 14, 2026, the Requester filed an appeal with the Office of Open Records ("OOR"), challenging the denial and stating grounds for disclosure. The OOR invited both parties to supplement the record and directed the Township 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 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 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 26, 2026, the Township submitted the attestation of its Open Records Officer, Jessica Gronlund ("Gronlund Attestation"), affirming that a search was conducted, that all responsive records located were provided to the Requester in response to the Request, and that no additional responsive records exist in the Township's possession, custody or control.[1] *See* Gronlund Attestation, ¶¶ 4-5. The Gronlund Attestation also states that, as part of its search, the Township made "inquiries with relevant…personnel," *Id.*, ¶ 5. Further, on October 27, 2026, the Township submitted the supplemental attestation of Jessica Gronlund ("Gronlund Supplemental Attestation"), which confirms that, "on September 29, 2026, …[Ms. Gronlund] asked…[the Fire Company] for responsive documents" and that, "[o]n October 1, 2026, the…[Fire Company] responded by sending responsive documents," which were provided to the Requester in response to the Request. *See* Gronlund Supplemental Attestation, ¶ 4. Finally, both Gronlund Attestations state that all responsive records have been given to the Requester and that the Township does not possess additional records responsive to the Request. *See id.*, ¶ 5; Gronlund Attestation, ¶ 5. Accordingly, based on the evidence provided, the Township has met its burden of proof that it conducted a good faith search, that it provided all records located to the Requester in response 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); *McGowan v. Pa. Dep't of Envtl. 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 Request, and that it does not possess additional responsive records. *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011); *see also Pa. Dep't of Health v. Mahon*, 283 A.3d 929 (Pa. Commw. Ct. 2022) ; *Campbell v. Pa. Interscholastic Athletic Ass'n*, 268 A.3d 502 (Pa. Commw. Ct. 2021).

For the foregoing reasons, the appeal is **denied**, 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.[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: November 4, 2026

/s/ Erika Similo

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ERIKA SIMILO
APPEALS OFFICER

Sent via OOR portal to: Amy Jacobs; Matthew D. Racunas, Esq.; Jessica Gronlund

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