pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
J. CHADWICK SCHNEE,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2026-4368**
	:	
YORK COUNTY DISTRICT	:	
ATTORNEY'S OFFICE,	:	
Respondent	:	

FACTUAL BACKGROUND

On September 25, 2026, J. Chadwick Schnee, Esq. ("Requester") submitted a request ("Request") to the York County District Attorney's Office ("Office") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking:

> The identity and contact information (name, title, mailing address, telephone number, and email address, if any) of the Appeals Officer designated under 65 P.S. § 67.503(d)(2) (RTKL Chapter 11) for appeals involving criminal-investigative records of this Office or of local agencies in York County.

As the Requester did not receive the Office's response within five business days of the Request, the Requester filed an appeal with the Office of Open Records ("OOR") on October 6, 2026, claiming that the Request was deemed denied. *See* 65 P.S. § 67.901. The OOR invited both parties to supplement the record and directed the Office to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On October 20, 2026, the Office submitted the duly sworn and notarized position statement authored by James Zamkotowicz, the Office's Chief Deputy Prosecutor ("Zamkotowicz Statement"), arguing that the Office does not maintain a specific written document that is responsive to the Request. The Office also argues that the Right-to-Know and Appeals Officers are designated by the District Attorney, Timothy Barker, Esq., and that "pursuant to 65 P.S. § 67.503(d)(2) there is nothing in the statute that requires the designation to be maintained as a written record." Finally, the Office asserts that pursuant to Section 705 of the RTKL, it is not required to create a record that currently does not currently exist. 65 P.S. § 67.705. The Office's statement included the list of attorneys in the Office that handle RTKL assignments as a duty ancillary to their responsibility to prosecute criminal cases, along with the current email address for the submission of filings to the RTK officers and Appeals Officer that was valid as of the date of the Request.

On October 21, 2026, the Requester submitted a position statement in response to the Office's appeal submission. The Requester argues that under the RTKL, Section 503(d)(2) requires that the Office designate an appeals officer and Section 504(b)(2) requires agencies to post the contact of the applicable appeals officer at the agency and on its website. The Requester asserts that local agencies holding criminal investigative records such as a police department, is unable to comply with Section 504(b)(2) unless the Office provides the name and contact information for the Office's appeals officer. The Requester further argues that the Office has not proven it conducted a good faith search for responsive records.

LEGAL ANALYSIS

The Office is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305.

The Request sought records of the "identity and contact information" of the Office's designated appeals officer. The Zamkotowicz Statement indicates that the Office does not maintain a specific document that would be considered a responsive record. Currently, the Office has no Open Records Officer registered with the OOR.[1] Additionally, as noted by the Requester, the Office's website includes a RTK policy, which lists the email address where a request may be submitted, but the appeal information does not include the name and contact information for the Office's designated appeals officer, as required by Section 503(d)(2).[2] Nevertheless, in the Zamkotowicz Statement, the Office included the names of the attorneys in the Office that are responsible for RTKL appeals as of the date of the Request and the email address for such appeal filings .[3]

The "record" being requested is information – [t]he identity and contact information (name, title, mailing address, telephone number, and email address, if any) of the Appeals Officer designated under 65 P.S. § 67.503(d)(2) …. In *Kutztown Univ. of Pa. v. Bollinger*, a requester appealed the University's denial of a request for "the identities of the individuals on the search committee [for the job of Assistant Director of Campus Services]" to the OOR. 217 A.3d 931 (Pa.

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[1] *See* https://www.openrecords.pa.gov/RTKL/AOROSearch.cfm?action=search&agency=york+county+district+attorney&county=&type= (last accessed November 3, 2026).

[2] *See* https://yorkda.com/right-to-know-rtk/ (last accessed November 3, 2026).

[3] Timothy Barker, District Attorney; Taylor Katherman, First Assistant District Attorney; Virginia Hobbs, First Deputy Assistant District Attorney; James Zamkotowicz, Chief Deputy Prosecutor; K. Scott Carlson, Deputy Prosecutor; and, Kailey Maguire, Deputy Prosecutor. Email address: mlbaughman@yorkcountypa.gov.

Commw. Ct. 2019).[4] During the course of the appeal before the OOR, the University provided a document – a "review form" – that contained the names of the committee members, but the form was otherwise redacted and, therefore, the OOR dismissed the appeal as *moot in part*, as the OOR also held that the University had not proven that the redactions to the form were appropriate pursuant to Section 708(b)(10)(i)(A) of the RTKL. *Id.* (emphasis added). On appeal to the Commonwealth Court, it was determined that because the only portion of the request that had been denied was the request for the committee member names and as the University provided the information, the entire appeal had been mooted and the OOR erred in only dismissing the appeal in part as to the names provided. More specifically, the Court reasoned:

> When responding to that request, the University was obligated to disclose the requested "records" not shown to be exempt from public access. Section 701 of the RTKL, 65 P.S. § 67.701. "A 'record' subject to disclosure under the [RTKL] includes information regardless of form." *Commonwealth v. Cole*, 52 A.3d 541, 547 (Pa. Cmwlth. 2012) (internal quotation marks omitted) (discussing Section 102 of the RTKL). The "record" which Respondent requested and sought on appeal to the OOR consists entirely of information—i.e., the identities of the individuals on the search committee—rather than a document. The University provided precisely the requested information when it sent Respondent the redacted Review Form. Once the University had complied entirely with the request by providing Respondent with the final outstanding record identified in the request, there ceased to be any actual controversy in this matter. *See Philadelphia* [Pub. Sch. *Notebook v. Sch. Dist. of Phila.*, 49 A.3d [445] at 448 [(Pa. Cmwlth. 2012)].

Likewise, we find the reasoning in *Kutztown* persuasive here. The Request sought certain information regarding the Office's appeals officer that is required to be designated under Section 503(b)(2) of the RTKL. The Zamkotowicz Statement provided the responsive information that was current at the time of the Request and, as a result, there is no actual remaining controversy in the matter. *Id.*; *see also Chester Water Auth. v. Pa. Dep't of Cmty. & Econ. Dev.*, 249 A.3d 1106,

[4] An unpublished opinion of the Commonwealth Court may be cited for its persuasive value. 210 Pa. Code § 69.414.

1114 (Pa. 2021) (finding that a matter was settled by provision of records, and thus, "the controversy has been mooted").[5]

CONCLUSION

For the foregoing reasons, the appeal is **dismissed as moot**, and the Office 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 to the York 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.[6] 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 OOR website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: November 6, 2026

/s/ Kelly C. Isenberg

KELLY C. ISENBERG, ESQ.
DEPUTY CHIEF COUNSEL

Sent via OOR E-file Portal to: J. Chadwick Schnee, Esq.; James Zamkotowicz, Esq.

[5] The Requester asks that the Final Determination note the Office's obligation under 65 P.S. § 67.504(b)(2) to post the contact information of its designated appeals officer at the Office and on its website.
[6] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).