pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: November 20, 2026

IN RE: *J. Chadwick Schnee v. Tioga County District Attorney's Office*; OOR Dkt. AP 2026-5017

On October 26, 2026, J. Chadwick Schnee, Esq. ("Requester") submitted a request ("Request") to the Tioga County ("County") District Attorney's Office ("Office") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*., seeking copies of all final determinations/orders issued by the Office's Appeals Officer. Having received no response from the Office, the Requester filed an appeal with the Office of Open Records ("OOR") on November 5, 2026, alleging the Request was deemed denied. *See* 65 P.S. § 67.901.

Local agencies have the burden of proving that records are exempt from access. 65 P.S. § 67.708(a)(1). Here, the Office submitted correspondence, made under the penalty of perjury, from the Jennifer L. Cochran, the Office's Open Records Officer, stating that she provided the Requester with a final response to the Request on November 3, 2026 explaining that the Office "did not have any responsive records to send." However, the Office did not submit sufficient evidence to demonstrate that it conducted a good faith search for responsive records and to prove that no such records exist. *See Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, 185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018), *aff'd*, 243 A.3d 19 (Pa. 2020) (discussing the components of a good faith search). Accordingly, the Office did not meet its burden of proof under the RTKL. 65 P.S. § 67.305; *see also Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

For this reason, the appeal is **granted**, and, within thirty days, the Office is required to search for and provide the Requester with responsive records, or, in the alternative, provide a sworn affidavit or a statement made under the penalty of perjury describing the search and confirming that no responsive records were located. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Tioga 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. 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.

Issued by:

/s/ *Joshua T. Young*

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JOSHUA T. YOUNG, ESQ.
SENIOR DEPUTY CHIEF COUNSEL

Sent via OOR e-file portal to: J. Chadwick Schnee, Esq.; Jennifer L Cochran, AORO