IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Aiden Geist,	:	
Petitioner	:	
	:	
v.	:	
	:	
Pennsylvania State Police	:	
(Office of Open Records),	:	No. 43 C.D. 2026
Respondent	:	Submitted: October 13, 2026

OPINION NOT REPORTED

MEMORANDUM OPINION
PER CURIAM FILED: November 16, 2026

Aiden Geist (Petitioner), *pro se*, petitions for review of the January 9, 2026 Final Determination of the Office of Open Records (OOR), which held that the Pennsylvania State Police (PSP) did not possess the documents requested by Petitioner pursuant to the Right-to-Know Law (RTKL).[1] Upon review, we affirm.

I. Background

Petitioner was involved in a traffic stop in Fort Washington, Pennsylvania with an unidentified state trooper on October 26, 2025, after which Petitioner submitted a complaint to the PSP's Internal Affairs Division (IAD Complaint) about the incident. Reproduced Record (R.R.) at 13.[2] On November 5, 2025, Petitioner submitted an RTKL request (Request) to the PSP, seeking "[t]he name, rank, and badge or identification number of the trooper who initiated or

[1] Act of February 14, 2008, P.L. 6, 65 P.S. §§ 67.101-67.3104.

[2] Reproduced Record citations are to electronic pagination.

conducted" the traffic stop "on October 26, 2025, at approximately 8:15 PM on the Pennsylvania Turnpike (I-276) eastbound near mile marker 340, Fort Washington, PA." *Id*. at 4. After requesting a 30-day extension to respond, the PSP denied Petitioner's Request, informing him that the PSP did not have any responsive records in its possession, custody or control. *Id.* at 6-7 & 10.

Petitioner appealed to the OOR on December 12, 2025, challenging the PSP's denial and arguing that it failed to conduct a good faith search pursuant to Section 901 of the RTKL, 65 P.S. § 67.901, because the PSP searched only its Record Management System (RMS). R.R. at 15. The OOR invited both parties to supplement the record. *See id.* at 36. On December 24, 2025, the PSP provided an affidavit from its open records officer, William Rozier (Rozier Affidavit), who explained, in relevant part:

> 7. The [PSP] reviewed the [R]equest and ***searched all* [*PSP*] *databases and the Axon system*** where audio/video records are stored for evidence of any PSP records that may identify the occurrence.
>
> 8. The [PSP] checked the RMS [] which logs and details . . . any interaction between a trooper and the citizen which is called into the PSP Communications Office. No [ ] [r]eport was found ***based upon the information provided by* [*Petitioner*].**
>
> 9. ***Using the information and description provided by* [*Petitioner*],** the PSP [ ] conducted a search for any audio/video recording that may identify any contact with [Petitioner] and was unable to locate any audio/video recordings for the time and location generated by a PSP patrol vehicle.

> 10. Additionally, [t]he [PSP] contacted PSP Troop T, Highspire, which indicated they have ***no audio/video recording associated with this incident***.
>
> 11. Additionally, the PSP [ ] contacted the PSP Bureau of Professional Responsibility pursuant to the complaint filed by [Petitioner]. This Bureau is responsible for investigating complaints made against PSP Personnel. This office did so ***in order to ascertain any information as to the identity of a Trooper based upon their investigation into the complaint*** with negative results.

Id. at 25 (emphasis added). On January 3, 2026, Petitioner submitted a letter in support of his appeal in which he recounted an alleged phone call with Corporal Kenneth Konek (Corporal Konek) regarding Petitioner's IAD complaint. *Id.* at 34. Petitioner attested that Corporal Konek "referenced the October 26, 2025 traffic stop, . . . the exact incident of [his R]equest, and quoted [his] verbatim statements made to the involved trooper," but declined to provide the trooper's identity upon Petitioner's request. *Id.*

On January 9, 2026, the OOR denied Petitioner's appeal, finding that the PSP satisfied its burden of proof that it did not possess the records sought by the Request. *Id.* at 38-39. Petitioner thereafter filed a timely appeal with this Court.

II. Issues

Before this Court,[3] Petitioner argues that the PSP failed to carry its burden of proving that responsive documents did not exist. Petitioner's Br. at 8. Specifically, Petitioner argues that the Rozier Affidavit cannot be treated as

[3] This Court's standard of review under the RTKL is *de novo*, and we may adopt the agency's findings or substitute them with our own. *Bowling v. Off. of Open Recs.*, 75 A.3d 453, 473 (Pa. 2013). Our scope of review is plenary, and we may expand the record through additional hearings or remand. *Id.* at 476.

dispositive proof that no responsive records exist because it lacks sufficient detail to permit meaningful judicial review. *Id.* at 12-13. Petitioner also maintains that the PSP failed to conduct a good faith search because the PSP's search was not tailored to Petitioner's Request and the Rozier Affidavit did not provide sufficient detail regarding which specific databases and operational records were searched, what search terms or filters were used, and whether complaint-related records were reviewed. *Id.* at 10-11. Finally, Petitioner asserts that his alleged discussion with Corporal Konek regarding Petitioner's IAD complaint rebuts the PSP's assertion that no responsive records exist, as the IAD complaint could not be processed without identifying the involved trooper. *Id.* at 13.

The PSP argues that it conducted a good faith search because it searched all databases where records of the incident would be stored and consulted with likely custodians. PSP's Br. at 9. The PSP maintains that other means of potentially identifying the trooper would be speculative and therefore futile and outside the PSP's burden under the RTKL. *Id.* at 8-9. The PSP also asserts that Petitioner fails to establish that Corporal Konek had any knowledge of the trooper's identity from the October 26, 2025 traffic stop, as the conversation pertained to Petitioner's IAD complaint which had not yet identified the trooper in question. *Id.* at 10-11.

III. Discussion

The RTKL is "designed to promote access to official government information in order to prohibit secrets, scrutinize the actions of public officials, and make public officials accountable for their actions." *Pa. State Educ. Ass'n v. Commonwealth*, 148 A.3d 142, 155 (Pa. 2016). When an individual submits a request for public records under the RTKL, "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 what constitutes a "good faith effort," this Court has 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. . . . After obtaining all potentially responsive records, an agency has the duty to review the records and assess their public nature under . . . the RTKL.

Uniontown Newspapers, Inc. v. Dep't of Corr., 185 A.3d 1161, 1172 (Pa. Cmwlth. 2018) (holding that "[a]n agency's failure to locate responsive records until motivated by litigation evinces bad faith"). However, an agency "cannot be required to produce a record not in its possession, ***even if one would expect that it should possess the record***." *Sturgis v. Dep't of Corr.*, 96 A.3d 445, 448 (Pa. Cmwlth. 2014) (emphasis added); *see also Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Cmwlth. 2011) (stating that an agency is not required to create a record if the requested record does not exist).

The burden of proving a record does not exist, or is exempt from disclosure, is placed on the agency responding to an RTKL request by a preponderance of the evidence. *See* 65 P.S. § 67.708(a)(1). A preponderance of the evidence standard is the lowest evidentiary standard, which "is tantamount to a more likely than not inquiry." *Delaware Cnty. v. Schaefer*, 45 A.3d 1149, 1156 (Pa. Cmwlth. 2012). This Court has repeatedly held that an attestation is generally competent evidence to satisfy an agency's burden of proof. *Hodges*, 29 A.3d at 1192 (reiterating that an agency may satisfy its burden of proof that it does not possess a requested record with either an unsworn attestation by the individual who searched for a record or a sworn affidavit of nonexistence of the record); *see also Moore v.*

Off. of Open Recs., 992 A.2d 907, 908-09 (Pa. Cmwlth. 2010). In the absence of any competent evidence of bad faith, an agency's averments explaining the reasons for nondisclosure of records "should be accepted as true." *Pa. Dep't of Health v. Mahon*, 283 A.3d 929, 936 (Pa. Cmwlth. 2022) (citing *Smith Butz, LLC v. Pa. Dep't of Env't Prot.*, 142 A.3d 941, 945 (Pa. Cmwlth. 2016)).

Here, the Rozier Affidavit was competent evidence to satisfy the PSP's burden of proof that it does not possess records responsive to Petitioner's Request. The Rozier Affidavit was authored by the PSP's open records officer who investigated the Request and the Rozier Affidavit asserted five separate bases supporting the nonexistence of responsive documents. R.R. at 24-25; *see also Hodges*, 29 A.3d at 1192; *Paul v. Pa. State Police*, 361 A.3d 695, 700-01 (Pa. Cmwlth. 2026) (holding that a PSP affidavit was sufficient evidence where the author attests to personal investigation of the request and asserts bases on which the request was denied). While Petitioner argues that the Rozier Affidavit was conclusory and insufficiently detailed regarding the PSP's search process, this Court has determined that a no-records attestation requires less detail than an attestation that invokes an RTKL exemption. *Mahon*, 283 A.3d at 936 (holding that, when there is evidence that a record does not exist, "[i]t is questionable to what degree additional detail and explanation are necessary to establish the nonexistence of a record rather than its exemption from disclosure"). Accordingly, the Rozier Affidavit's general description of the different searches conducted and the negative results therefrom are sufficient to establish the nonexistence of any responsive records.

Further, the Rozier Affidavit plainly disputed Petitioner's argument that the PSP failed to conduct a good faith, thorough, and tailored search based on the details provided in his Request. Petitioner's Br. at 11-12. Specifically, the Rozier Affidavit repeatedly stated that the PSP reviewed the Request and "searched ***all PSP databases*** and the Axon system where audio/video records are stored for

evidence of any PSP records," checked its systems "***based upon the information provided by* [*Petitioner*]**," and attempted to "ascertain any information as to the identity of a Trooper ***based upon* [*the PSP's*] *investigation into the* [*IAD C*]*omplaint.***" R.R. at 25 (emphasis added). Thus, contrary to Petitioner's assertions, the PSP's competent evidence established that it searched all of its relevant databases applying five separate search methods based on the details provided in Petitioner's Request and IAD Complaint.

Finally, while Petitioner baldly asserts that his conversation with Corporal Konek in connection with Petitioner's IAD complaint rebuts the PSP's evidence of nonexistence, he fails to provide any evidence or legal analysis to support his assertion that the processing of a complaint first requires identification of the trooper involved.[4] *See* Petitioner's Br. at 13-14; *see also* Pa.R.A.P. 2119(a) (requiring the argument portion of an appellate brief to support each question raised with discussion and citation of authorities deemed pertinent). Regardless, even if Petitioner believes records should have been created in connection with the processing of his IAD Complaint, the PSP cannot be required to produce a record not in its possession. *Sturgis*, 96 A.3d at 448 (holding that a petitioner's argument that a record should have been created pursuant to Section 9764(a)(8) of the Sentencing Code, 42 Pa.C.S. § 9764(a)(8), did not require the Department of Corrections to disclose a record whose nonexistence was established by competent evidence). Because the PSP presented competent evidence to establish the

[4] Even so, we emphasize that an RTKL request pertains to physical records, not general knowledge. *See* 65 P.S. § 67.102 ("The term ['record'] includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document."). Stated otherwise, even if the PSP might know the trooper's identity, the RTKL requires only that the PSP produce physical records revealing that identity, not that it state the trooper's name and badge number separately from any such records.

nonexistence of responsive records, the issue of whether identifying documents should exist is irrelevant to our inquiry.

IV. Conclusion

Based on the foregoing discussion, the January 9, 2026 Final Determination of the OOR is affirmed.

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PER CURIAM

O R D E R

AND NOW, this 16th day of November, 2026, the January 9, 2026 Final Determination of the Office of Open Records is AFFIRMED.