



# Williamsport Area School District

2780 West Fourth Street Williamsport, PA 17701

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## ATTESTATION REGARDING AGENCY POSSESSION OF RECORDS

Name of Requester: Todd Bartley

Records Requested: Records pertaining to the WAHS baseball team's 2018 trip to Myrtle Beach, SC

Appeal Caption: Bartley v. Williamsport ASD, AP 2019-1337

### Affidavit

I, Wanda Erb, hereby declare, pursuant to 18 Pa.C.S. § 4904, that the following statements are true and correct based upon my personal knowledge information and belief:

1. I serve as the Open Records Officer for the Williamsport Area School District ("Agency") and am responsible for responding to Right-to-Know requests filed with the Agency.
2. In my capacity as the Open Records Officer, I am familiar with the records of the Agency.
3. Regarding Requester's first request, the Agency provided Requester with the names of eight students, all of whom were age 18 or over at the time of the events referred to in the request. No information was provided regarding students who were aged 17 or under at the time of the events referred to in the request.
4. Regarding Requester's second request, I conducted a thorough examination of files in the possession, custody, and control of the Agency for records responsive to the request. As these types of records would be in the possession of the athletic director or head coach, I spoke with WASD Athletic Director Sean McCann and former head baseball coach Ryan Miller. At the time the request was made, neither Mr. McCann nor Mr. Miller had any record identifying which players were assigned to which hotel room. Accordingly, I have made the determination that the records requested are not within the Agency's possession, custody, or control.

5. Regarding Requester's third request, I conducted a thorough examination of files in the possession, custody, and control of the Agency for records responsive to the request. As these types of records would be in the possession of the athletic director or head coach, I spoke with WASD Athletic Director Sean McCann and former head baseball coach Ryan Miller. At the time the request was made, neither Mr. McCann nor Mr. Miller had any record that was responsive to the request. I have also contacted members, or former members, of the WASD Baseball Boosters Club, and outside organization not within the control of the Agency. As a result of those efforts, I obtained a bus invoice and a hotel invoice, which were provided to Requester's counsel although they were not paid for by the Agency.
6. Regarding Requester's fourth request, all of the chaperones on the trip were district employees, coaches, or volunteer coaches. No other adult chaperones accompanied the baseball team to Myrtle Beach.
7. Regarding Requester's fifth request, the Agency's board of directors took no disciplinary action against any employee, coach, or volunteer coach for any events that took place, or arose from, the Myrtle Beach trip. Head baseball coach Ryan Miller resigned later in the season and I have provided both his resignation letter and the board action on that letter in response to the request. Randy Zangara, an employee and volunteer assistant at the time of the Myrtle Beach trip, is no longer employed by the Agency.
8. Regarding Requester's sixth request, I conducted a thorough examination of files in the possession, custody, and control of the Agency for records responsive to the request. This entailed contacting the Agency's cellular phone provider and inquiring whether the text of any text messages could be recovered as of the date of the request. The provider informed

me that the contents of the messages could not be obtained without a court order. The provider was able to produce call and text logs for a certain time period for those district employees whose bills were paid by the district during the course of their employment, including Brandon Pardoe, Sean McCann, and Randy Zangara. Further, I reviewed the text messages then existing on the phones of Brandon Pardoe and Sean McCann with their assistance. I found nothing responsive to the request. When asked if I could conduct a similar review with Randy Zangara, Mr. Zangara declined.

As for Ryan Miller, Alicia Carnevale, David Heller, Kyle Schneider, and Nick Caringi, I reviewed the text messages then existing on their phones, with their assistance. The only message responsive to the request was found on Mr. Heller's phone and was disclosed in the Agency's response. Tariq Moore did not respond to efforts to contact him until after the Agency sent its response. His phone is neither owned nor paid for by the district and was not reviewed. Joel Worthington never responded to my efforts to contact him. His phone is neither owned nor paid for by the district and was not reviewed.

9. Regarding Requester's seventh and eighth requests, I conducted a thorough examination of files in the possession, custody, and control of the Agency for records responsive to the request and had Agency personnel do the same including Solicitor Fred Holland and high school principal Brandon Pardoe. No responsive records are within the Agency's possession, custody, or control.
10. Regarding requester's twelfth request, after a thorough examination of Agency records, I have concluded that the Agency has no records responsive to the request as of the date the request was made.

Date: October 8, 2019

Signature: Wanda M Erb

Wanda M. Erb

Open Records Officer

Williamsport Area School District