

### **FINAL DETERMINATION**

DATE ISSUED AND MAILED: April 23, 2024

IN RE: *Michael Schwartz v. Zerbe Township*, OOR Dkt. AP 2024-0914

Upon review of the appeal filed with the Office of Open Records (“OOR”) to the above-referenced docket number, it is determined that the appeal is **DISMISSED**:

On April 5, 2024, the OOR issued an Order notifying Michael Schwartz (“Requester”) that the appeal was deficient because it failed to include a complete copy of Zerbe Township’s (“Township”) response. The OOR informed the Requester that the document was required to cure the deficiency and directed the Requester to file a complete copy of the Township’s response by April 19, 2024, pursuant to 65 P.S. § 67.1303(b). However, to date, the Requester has failed to comply with the OOR’s Order. Therefore, the appeal is not sufficient and without this document, the OOR does not have a complete record upon which to base its determination. Additionally, the OOR would be unable to present a complete record on appeal to an appellate court as required by Section 1303(b) of the RTKL. As the Requester has failed to comply with the OOR’s Order, this matter is **dismissed**.

For this reason, the Township is not required to take any further action. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review with the Northumberland 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](mailto:oor-postfd@pa.gov). This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.<sup>1</sup>

Issued by:

*/s/ Damian J. DeStefano*

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DAMIAN J. DESTEFANO  
APPEALS OFFICER

Sent to: Michael Schwartz (via U.S. mail and portal); Jody Patton, AORO (via portal only)

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<sup>1</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).