



pennsylvania

OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF

:

VALBRENO AND MARIE
PROCACCINO,
Requesters

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Docket No.: AP 2016-1143

v.

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WARMINSTER TOWNSHIP,
Respondent

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:

On June 30, 2016, Valbreno and Marie Procaccino (“Requesters”) submitted an appeal to the Office of Open Records (“OOR”), alleging that Warminster Township (“Township”) denied a request made pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* However, the Requesters’ appeal submission did not include a copy of the request underlying the appeal or the Township’s response. Accordingly, the appeal is **dismissed**.

On July 1, 2016, the OOR issued an Order notifying the Requesters that the appeal was deficient because it failed to include copies of the request and the Township’s response. The OOR informed the Requesters that they were required to cure the deficiency and directed them to file copies of the request and the Township’s response pursuant to 65 P.S. § 67.1303(b). However, to date, the Requesters have failed to comply with the OOR’s Order.

By failing to provide copies of the request and the Township’s response, the record in this appeal is not sufficient. Without these documents, 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 Requesters have failed to comply with the OOR’s Order, this matter is **dismissed**.¹

For the foregoing reasons, the Township 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

¹ Based upon the Requesters’ appeal, it appears that they sought the identity of an individual that filed a complaint with the Township. The Commonwealth Court has held that “the names of individuals who [file a] complaint that [prompt an] investigation” are exempt from disclosure under Section 708(b)(17) of the RTKL. *Stein v. Plymouth Township*, 994 A.2d 1179, 1182 (Pa. Commw. Ct. 2010).

Determination, any party may appeal or petition for review to the Bucks 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 Section 1303 of the RTKL. However, 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.² This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: July 11, 2016

/s/ Kyle Applegate

APPEALS OFFICER
KYLE APPLGATE, ESQ.

Sent to: Valbreno and Marie Procaccino (via e-mail and U.S. Mail);
Gregg Schuster (via e-mail only)

² *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).