



**pennsylvania**  
OFFICE OF OPEN RECORDS

**FINAL DETERMINATION**

<b>IN THE MATTER OF</b>	:	
	:	
<b>JAMES SMEAL,</b>	:	
<b>Requester</b>	:	
	:	
<b>v.</b>	:	<b>Docket No.: AP 2016-1156</b>
	:	
<b>BERKS COUNTY COURT</b>	:	
<b>ADMINISTRATION,</b>	:	
<b>Respondent</b>	:	

On or about June 7, 2016, James Smeal (“Requester”), an inmate at SCI-Dallas, submitted a request (“Request”) to the Berks County Court Administration (“Court”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking a copy of the criminal complaint and the affidavit of probable cause brought against a named individual. The Requester states that he did not receive a response from the Court and alleges that his Request was deemed denied. *See* 65 P.S. § 67.901. On July 6, 2016, the Requester appealed to the Office of Open Records (“OOR”).

The Court is a judicial agency that is not subject to the jurisdiction of the OOR. *See* 65 P.S. § 67.102; 65 P.S. § 67.503(b). The OOR does not have jurisdiction to hear appeals related to requests for records of judicial agencies. 65 P.S. § 67.503(b). Instead, appeals involving a judicial agency are to be heard by an appeals officer designated by that agency. *Id.* (“A judicial agency shall designate an appeals officer to hear appeals under Chapter 11”).

For the foregoing reason, Requester's appeal is **transferred** to Appeals Officer for the Court. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per 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.<sup>1</sup> This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED:** July 21, 2016

/s/ Blake Eilers  
Blake Eilers, Esq.  
APPEALS OFFICER

Sent to: James Smeal, CY-3827;  
Maryjo Gibson (via email only);  
Steven Weber (via email only);  
Carmen Torres (via email only)

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