



FINAL DETERMINATION

DATE ISSUED AND MAILED: July 25, 2016

IN RE: *Alayne Morena v. West Hazleton Borough*,
OOR Dkt. AP 2016-1248

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 deficient for the reason(s) specified below. Accordingly, the appeal is **DISMISSED**, and the local agency is not required to take any further action.

- Appeal filed beyond fifteen (15) business days of denial/deemed denial.
- Appeal failed to include a copy of the Request and/or agency Response.
- Appeal failed to state why records are public records.
- Appeal failed to address agency grounds for denial of access to records.
- OOR lacks jurisdiction over agency from which records are sought.
- OOR lacks jurisdiction over local agency criminal investigative records.
- Other: Appeal must state why document requested is public. See 65 P.S. § 67.1101(a)(1). Appeal does not address the Agency’s reason(s) for denying access to the requested records or state why the records are public. Appeal may be re-filed no later than August 8, 2016.

Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review with the Luzerne 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. 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.¹

Issued by:

/s/ J. Chadwick Schnee

APPEALS OFFICER/ASSISTANT CHIEF COUNSEL
J. CHADWICK SCHNEE, ESQ.

Sent to: Requester, Agency Open Records Officer

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