pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
CARLOS CARMICHAEL,	:	
Requester	:	
	:	
v.	:	**Docket No.: AP 2016-1233**
	:	
PENNSYLVANIA DEPARTMENT OF	:	
CORRECTIONS,	:	
Respondent	:	

On July 20, 2016, Carlos Carmichael ("Requester"), an inmate at the State Correctional Institution at Dallas ("SCI-Dallas"), submitted an appeal to the Office of Open Records ("OOR"), challenging the Pennsylvania Department of Correction's ("Department") denial of his request made pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*. However, the Requester's appeal submission did not include a complete copy of the request or the Department's response underlying the appeal.

On July 20, 2016, the OOR issued an Order notifying the Requester that the appeal was deficient because it failed to include a complete copy of the request and the Department's response. The OOR informed the Requester that he was required to cure the deficiency and directed him to file a complete copy of the request and the Department's response pursuant to 65 P.S. § 67.1303(b). To date, Requester has not provided a complete copy of the request or the Department's response underlying the appeal. Therefore, the Requester has failed to comply with the OOR's Order.

By failing to provide a copy of the request and the Department'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 Requester has failed to comply with the OOR's Order, this matter is **dismissed**.

For the foregoing reasons, the Department 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 Determination, any party may appeal or petition for review 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 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.[1] This Final Determination shall be placed on the website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: July 28, 2016

/s/ Charles Rees Brown

CHARLES REES BROWN
CHIEF COUNSEL

Sent to: Carlos Carmichael (GS 6516) SCI-Dallas;
Chase Defelice, Esq. (via e-mail only);
Andrew Filkosky (via e-mail only)

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