



**pennsylvania**  
OFFICE OF OPEN RECORDS

**FINAL DETERMINATION**

**IN THE MATTER OF**

:

**MICHELLE CLARK,  
Requester**

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**v.**

**Docket No.: AP 2016-1296**

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**PENNSYLVANIA BOARD OF  
PROBATION AND PAROLE,  
Respondent**

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On August 3, 2016, Michelle Clark, an inmate at SCI-Cambridge Springs, (“Requester”) submitted an appeal to the Office of Open Records (“OOR”) challenging the Pennsylvania Board of Probation and Parole’s (“Board”) partial denial of her request made under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* For the following reasons, the appeal is **dismissed**.

On August 3, 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 Board’s response. The OOR informed the Requester that she was required to cure the deficiency and directed her to file a complete copy of the request and the Board’s response pursuant to 65 P.S. § 67.1303(b). The Requester was directed to respond within seven (7) calendar days. To date, the Requester has not complied with the OOR’s Order.

By failing to include a copy of the request and Board’s response, the record in this appeal is not sufficient. Without a copy of the request and Board’s response, 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 the foregoing reasons, the file is now closed and no further action will be taken. This Final Determination is binding on the parties. Within thirty days of the mailing date of this Final Determination, either party may appeal or petition for review to the Commonwealth Court. *See* 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 court rules 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: August 11, 2016**

*/s/ Kelly C. Isenberg*

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APPEALS OFFICER  
KELLY C. ISENBERG, ESQ.

Sent to: Michelle Clark (via U.S. Mail);  
John Talaber, Esq., (via e-mail only);  
Janaki Theivakumaran, AORO (via e-mail only)

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