

appears to challenge the accuracy of the information contained in the incident report. Accordingly, the appeal is **dismissed** pursuant to Section 1101(a)(1) of the RTKL. However, the Requester is not prohibited from filing a new request for these records, and if necessary, an appeal pursuant to the requirements of 65 P.S. § 67.1101(a)(1).¹

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 to the Lehigh 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 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 OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: August 19, 2016

/s/ Kyle Applegate

APPEALS OFFICER
KYLE APPLGATE, ESQ.

Sent to: Eileen Cleinow;
Shane Pepe (via e-mail only)

¹ The OOR's Appeal Form can be located at [http://www.openrecords.pa.gov/Using-the-RTKL/Documents/Appeal_Form_Revised_2016-01-04%20\(Fillable\).pdf](http://www.openrecords.pa.gov/Using-the-RTKL/Documents/Appeal_Form_Revised_2016-01-04%20(Fillable).pdf).

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