



FINAL DETERMINATION

DATE ISSUED AND MAILED: August 23, 2016

IN RE: *Leslie Mlakar v. Fayette County*, OOR Dkt. AP 2016-1389

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**.

- 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.
- Request does not seek records.
- Other: Appeal is premature. Request dated August 12, 2016. Agency response due on or before August 19, 2016. Request was deemed denied August 19, 2016. OOR allows three additional days for mailing pursuant to Section IV(C)(5)(b)(i) of the OOR Procedural Guidelines. Appeal filed on August 22, 2016. Appeal may be filed after agency response or 11:59:59 p.m. of August 23, 2016, whichever comes first.

Within thirty days of the mailing date of this Final Determination, you may appeal or petition for review to the Fayette 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. 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/ Charles Rees Brown

Chief Counsel

Charles Rees Brown

Sent to: Requester, Agency Open Records Officer

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