pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

DATE ISSUED AND MAILED: August 26, 2016

IN RE: *Mark Kleeman v. Lackawanna County*,
OOR Dkt. AP 2016-1416

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.

[x] Appeal failed to state why records are public records.

[x] 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.

[x] Other: Appeal must state why documents requested are 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. **Appeal may be re-filed no later than September 8, 2016**.

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