pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
STEVEN BURDA,	:	
Requester	:	
	:	
v.	:	**Docket No.: AP 2016-1448**
	:	
PENNSYLVANIA JUDICIAL	:	
CONDUCT BOARD,	:	
Respondent	:	
	:	

On or about July 15, 2016, Steven Burda ("Requester"), submitted a request ("Request") to the Judicial Conduct Board of Pennsylvania ("Board") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.*, asking for "an initial and any amended record/document or order establishing the JCB (Judicial Conduct Board)." The Board timely responded on July 25, 2016, invoking a 30-day extension to respond. Requester states that he did not receive a final response from the Board and alleges that his Request was deemed denied. *See* 65 P.S. § 67.901. On August 25, 2016, Requester appealed to the Office of Open Records ("OOR").

The Board is a judicial agency that is not subject to the jurisdiction of the OOR. *See* 65 P.S. § 67.102; 65 P.S. § 67.503(b). The OOR does not have jurisdiction to hear appeals related to requests for records of judicial agencies. *See* 65 P.S. § 67.503(b). Instead, appeals involving a judicial agency are to be heard by an appeals officer designated by the judicial agency. *Id.* ("A judicial agency shall designate an appeals officer to hear appeals under Chapter 11"). The

Appeal is hereby transferred to the Appeals Officer for the Judicial Conduct Board of Pennsylvania. A copy of this final order and the appeal filed by the Requester will be sent to Appeals Officer for the Board.

For the foregoing reasons, Requester's appeal is **transferred** to Appeals Officer for the Board. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, either party may appeal 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 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.[1] This Final Determination shall be placed on the OOR website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: August 30, 2016

/s/ J. Chadwick Schnee

ASSISTANT CHIEF COUNSEL/APPEALS OFFICER
J. CHADWICK SCHNEE

Sent to: Requester, Appeals Officer, Judicial Conduct Board of Pennsylvania

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