



**pennsylvania**  
OFFICE OF OPEN RECORDS

**FINAL DETERMINATION**

**IN THE MATTER OF**

**JONATHAN LEE RICHES,  
Requester**

**v.**

**PENNSYLVANIA DEPARTMENT OF  
STATE,  
Respondent**

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**Docket No.: AP 2016-1383**

Jonathan Lee Riches (“Requester”), submitted an appeal to the Office of Open Records (“OOR”), challenging the Pennsylvania Department of State’s (“Department”) alleged deemed denial of his request made pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* However, the Requester’s appeal submission did not include a complete copy of the request underlying the appeal.

On August 23, 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. The OOR informed the Requester that he was required to cure the deficiency and directed him to file a complete copy of the Request pursuant to 65 P.S. § 67.1303(b). The Requester has not provided a complete copy of the Request and has, therefore, failed to comply with the OOR’s Order.

By failing to provide a copy of the request, the record in this appeal is not sufficient. Without this document, 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 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 or petition for review 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 according to 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 website at: <http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: September 1, 2016**

*/s/ Charles Rees Brown*

CHARLES REES BROWN  
CHIEF COUNSEL

Sent to: Jonathan Riches (via e-mail only);  
Karen L. Cummings, Esq. (via e-mail only);  
Rebecca Fuhrman (via e-mail only)

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